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( DEPARTMENT OF LABOUR )  
CANADA


# Wartime Orders in Council Affecting Labour

*April, 1942*

Minister—Hon. HUMPHREY MITCHELL  
Deputy Minister—BRYCE M. STEWART  
Assoc. Deputy Minister—A. MacNAMARA

OTTAWA  
EDMOND CLOUTIER  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY  
1942





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## INTRODUCTION

This pamphlet contains the orders in council of special interest to labour which have been passed by the Dominion Government as a result of war conditions and which are still in force. In most cases the text of the order has been reproduced in full, but where an order is of less immediate interest to labour all or part of it is summarized. Amendments have been consolidated with the original orders, these consolidations being unofficial unless otherwise indicated. The orders deal with a wide range of subjects including industrial relations, wages and cost of living, the regulation of labour supply and the rehabilitation of persons discharged from His Majesty's forces.

### Wartime Labour Policy

In Order in Council P.C. 2685, June 19, 1940, the Government issued a declaration "of certain principles for the regulation of labour conditions during the war, the acceptance of which by employers and workpeople would make for the avoidance of industrial strife and the utmost acceleration possible in the production which is so essential in present circumstances". Among other things it is recommended that fair and reasonable standards of wages and other conditions should be observed, that there should be no undue extension of hours but where necessary a shift system should be adopted, that every precaution should be taken to ensure safe and healthful conditions of work, that the right of workmen to organize in trade unions and bargain collectively should be recognized, that disputes should be settled by negotiation or with the assistance of Government conciliation services or under the provisions of the Industrial Disputes Investigation Act, and that collective agreements should provide machinery for adjusting grievances.

### Industrial Relations in War Industries

To provide machinery for the peaceful settlement of disputes in war industries, the Industrial Disputes Investigation Act was extended by P.C. 3495, November 7, 1939, as amended by P.C. 1708, March 10, 1941, to cover defence projects and all industries producing munitions and war supplies. "Supplies" includes any articles or equipment which are considered by the Minister of

Labour to be essential, and the following industries were declared, on the dates mentioned, to be within the Act: coal and metallic ore mining, on March 31, 1941, thus bringing British Columbia mines within the Act; pulp and paper, on April 10; the bank note, stamp and engraving industry, on May 2; and the West Kootenay Power and Light Company, on September 15. The Industrial Disputes Investigation Act provides for the reference of disputes to tripartite Boards of Conciliation and Investigation and prohibits any stoppage of work due to a dispute until the Board appointed has reported to the Minister. It normally applies to mines, transport and communication facilities and certain public utilities.

*Industrial Disputes Inquiry Commission.*—The extension of the Act, together with the expansion of industrial activity, resulted in a marked increase in the number of applications for Conciliation Boards. As it was considered that some of these disputes could be settled quickly and inexpensively if supplementary machinery of a less formal nature were set up, an Industrial Disputes Inquiry Commission of three members was established under P.C. 4020, June 6, 1941, to inquire into such disputes as might be referred to it by the Minister of Labour, to settle them if possible, and if not to advise the Minister whether there were good grounds for establishing a Board. Further flexibility was achieved when it was provided, by P.C. 4884, July 2, 1941, that a Commission may consist of one or more of its members. This amendment also imposed on the Commission the duty, under direction of the Minister, of examining allegations regarding discrimination against workers for trade union activity or coercion of workers into joining or refraining from joining trade unions. A further amendment, P.C. 7068, September 10, 1941, clarified certain points of interpretation.

*Restriction of Right to Strike.*—To eliminate the possibility of strikes being called without all the workers concerned having the opportunity to consider the matter fully, P.C. 7307, September 16, 1941, as amended by P.C. 8821, November 13, imposes certain conditions on the right of workers to strike after a Conciliation Board has submitted its findings. The Minister of Labour must be informed of a proposed strike, and he may

at his discretion direct that a vote be conducted among those who in his opinion are affected by the dispute. A strike may take place only if a majority of those entitled to vote are in favour of such action.

*Picketing.*—At the same time, care has been taken to protect lawful strikers from prosecution under regulations which were designed for other purposes. On January 6, 1941, the Ontario High Court of Justice upheld a lower court judgment in which a picket had been convicted under Regulation 6 of the Defence of Canada Regulations prohibiting loitering near designated premises. Paragraph (6) was therefore inserted, by P.C. 892, February 7, 1941, to make it clear that picketing and other acts connected with lawful strikes are not loitering as defined in Regulation 6. Similar safeguards have been incorporated in other Defence of Canada Regulations.

*Training of Personnel Managers.*—P.C. 26/1840, March 10, 1942, is designed to promote the adoption of "clear-cut personnel policies and their administration by effective personnel departments", so as to "make for the removal of misunderstanding and lead to fuller co-operation between employers and employees", especially in war industries. In order that the creation of personnel departments in all moderate and large-sized industrial establishments might be encouraged and that the training of suitably qualified persons might be facilitated, the Minister of Labour is authorized to appoint a Director of Personnel Training and to enter into agreements with universities whereby the latter will provide courses of instruction in personnel management for selected applicants.

### Wage Stabilization

As a result of the somewhat inconsistent nature of the recommendations concerning wages by many Conciliation Boards, a wage policy for their guidance was enunciated in P.C. 7440, December 16, 1940, as amended by P.C. 4643, June 27, 1941. (These orders have been repealed by P.C. 8253.) The policy was designed to conform to the Government's anti-inflationary policy without imposing undue hardship on wage-earners.

Simultaneously with the introduction of an entirely comprehensive price control policy, the Wartime Wages and Cost of Living Bonus Order was passed (P.C. 8253, October 24, 1941, amended by P.C. 9514, December 5, P.C. 9926, December 31, P.C. 10195, December 31, 1941, and P.C. 871, February 6, 1942.) By this measure, the principles of P.C. 7440 were generalized, with some modification, for all industries. Wage rates are now stabilized at the level of November 15, 1941, though pro-

vision is made for the raising of rates which are unduly low. At the same time, a cost of living bonus is payable, which is to be adjusted with changes in the cost of living index. Provision is made for permanent enforcement machinery in the form of a National War Labour Board which, with the assistance of nine Regional War Labour Boards, is to administer this order as well as the Government's fair wages policy. Each of these Boards consists of an independent chairman (the Dominion Minister of Labour for the National Board and the Provincial Ministers for the Regional Boards) and an equal number of employers' and employees' representatives. The National Board has issued 32 Interpretative Rulings of the order. These have been published as Bulletin No. 2.

In the first half of 1941, a co-operative scheme was worked out between the Dominion and Provincial Labour Departments whereby the inspection staffs of the latter would be utilized in the enforcement of the Dominion Government fair wages policy. The scheme was put into effect by P.C. 5522, July 22, 1941. With the transference of the administration of the fair wages policy to the National War Labour Board, P.C. 1774, March 9, 1942, was passed, repealing P.C. 5522, to authorize the Minister of Labour to designate these provincial officials and other persons as inspectors for the purposes not only of this policy but also of the Wartime Wages and Cost of Living Bonus Order. Penalties are provided for obstructing the work of any authorized representative of the Minister.

The Wartime Salaries Order which was first issued as P.C. 9298, November 27, 1941, amended by P.C. 946, February 6, 1942, but was later amended and consolidated by P.C. 1549, February 27, 1942, supplements P.C. 8253 by stabilizing the salaries of officials above the rank of foreman (generally, those receiving more than \$250 per month). It is administered by the Income Tax Division of the Department of National Revenue.

### Wages and Hours on Government Contracts

Wage rates on Government contracts for equipment and supplies have been raised to meet the rise in the cost of living and every effort has been made to secure strict enforcement of these rates and of the wage schedules in contracts for construction for the Dominion Government. By P.C. 6801, November 23, 1940, the Deputy Minister of Labour is made responsible for the investigation of claims under the Fair Wages and Hours of Labour Act applying to construction for the Dominion Government, and a procedure is set forth for

the settlement of claims. As has already been noted, provision has been made in P.C. 1774 for the appointment of inspectors to secure enforcement of the Government's fair wages policy.

In the spring of 1941 the conclusion was reached that rates of 30 cents per hour for male workers over 18 years of age and 20 cents for women over 18, which had been established in 1934 for work on contracts for Government supplies, were no longer fair and reasonable and that much industrial unrest would be avoided if they were increased. P.C. 3884, May 30, which has since been repealed by P.C. 7679, raised these rates to 35 cents and 25 cents, with lower rates permitted for learners and for those under 18. The order provided a penalty for any contractor who paid less than the legal minimum. Both P.C. 3884 and 7679 were adopted under authority of the War Measures Act.

P.C. 7679, October 4, continues the rates established by P.C. 3884 for adult workers on government contracts and the minimum of 20 cents for any person under 18 and for beginners together with the special provision made for apprentices and for handicapped workers. The number of employees who may be paid learners' rates is limited to 20 per cent of the total working force. Penalties may be imposed for violation of the wage schedule or for failure to comply with the requirements as to posting notices and keeping records. In addition, P.C. 7679 prescribes the same rates for all employees of government contractors and sub-contractors.

P.C. 3947 was passed on August 15, 1940, to meet the urgent need for buildings and training facilities for men called up under the National Resources Mobilization Act. It provided that the eight-hour day and 44-hour week provided for by the Fair Wages and Hours of Labour Act should not apply to the construction of buildings and defence projects at places set out in the schedule or at such other places as might be designated by the Minister of National Defence.

### **Health of Workers and Workmen's Compensation**

P.C. 1550, March 2, 1942, is designed to safeguard the health of workers in war industries, and applies to all factories, plants or shops where work is being carried on under a contract with the Dominion Government or the Government of any allied or associated power or under a sub-contract, or in which any of these governments has a financial interest. The Minister of Pensions and National Health or an officer authorized by

him may enter and inspect any such premises. The owner must, if required by the Minister in writing, maintain a record of sickness and accidents, display posters authorized by the Minister, adhere to standards of cleanliness, lighting, heating, ventilation, etc., which are satisfactory to the Minister, provide medical services, satisfy nutritional standards specified by the Minister in regard to any food which may be provided to the workers, and permit regular physical examinations of the workers. When any such premises are being constructed or altered the owner must submit to the Department plans showing clearly the provision for water supply, sewage, ventilation, etc.

Since shortly after the outbreak of war, a clause inserted in all war contracts has imposed on the Minister of Health responsibility for ensuring healthful conditions of work.

Employees of the Department of Munitions and Supply, Allied War Supplies Corporation and certain other companies carrying on work as agents of His Majesty are within the scope of the Government Employees' Compensation Act or have been brought within its scope by special orders in council. P.C. 1913, April 22, 1941, sets forth a procedure for the administration of the Act with regard to such workers. Trainees under the War Emergency Training Program have also been brought under the Government Employees' Compensation Act.

### **Labour Supply**

A comprehensive man-power program was put into effect during March, 1942. There were already in effect, however, several orders in council relating to labour supply. A National Labour Supply Council, consisting of six representatives each of industry and labour, was established by P.C. 2686, June 19, 1940 as amended by P.C. 552, January 24, 1941, "to advise on any matters touching labour supply for industry which may be referred to it by the Minister of Labour". The Council was abolished by P.C. 1426, February 24, 1942, after the National War Labour Board had been set up. On the initiative of the Council a National Joint Conference of the building and construction industry authorized by P.C. 868, February 5, 1941, was held in Ottawa on February 10-12. A National Joint Conference Board was formed to continue the work of the Conference.

P.C. 5922, October 25, 1940, as amended by P.C. 1426, February 24, 1942, established an Inter-departmental Committee on Labour

Co-ordination whose functions are to anticipate and devise means of meeting labour requirements and to co-ordinate the activities of federal agencies and secure the co-operation of provincial governments. The "growing shortage of competent chemists, engineers and other technically trained personnel" led to the establishment of the Wartime Bureau of Technical Personnel under the Minister of Labour, by authority of P.C. 780, February 12, 1941.

*War Emergency Training Program.*—There were also a number of specific measures designed to increase the supply of skilled labour and distribute it efficiently. Immediately after the outbreak of war the existing Youth Training Program was altered, with greater emphasis being placed on classes for air mechanics and other skilled workers. Due to the urgency of the need, however, a special War Emergency Training Program was drawn up during the summer of 1940, and schedules were appended to the Youth Training agreements with the provinces to carry it out. Special authority under the War Measures Act was needed for this expanded program, to permit the Dominion Government to assume the full cost and to overcome restrictions of the Youth Training Act regarding the circumstances and age limit of trainees. This authority was provided by P.C. 4506, September 11, 1940. In the latter part of 1940, the Interdepartmental Committee on Labour Co-ordination made an exhaustive study of the problem, and, as a result of its recommendations (made on December 28), the program was revised and expanded.

*Deferment of Training of Certain Classes of Skilled Workers.*—Steps were taken to prevent the loss to industry of skilled men who are subject to compulsory military training. The National War Services Regulations, 1940 (Recruits) (Consolidation, 1941) as amended by P.C. 7680, October 4, 1941, P.C. 949, February 7, and P.C. 2252, March 21, 1942 provide that the training of men employed in industries declared to be essential or seasonal and in agriculture may be advanced or postponed. Postponement orders are effective for not more than six months, but they may be renewed. Section 23 of the Reserve Army (Special) Regulations, 1941, as amended by P.C. 1916, March 12, 1942, provides that a man already called out may be granted leave of absence without pay on the same grounds as would have entitled him *ab initio* to a postponement.

Recruiting policy was also shaped to prevent the absorption into the army of men needed elsewhere. On September 21, 1939, the then Minister of Labour, the late Hon.

Norman McL. Rogers stated that restrictions had been placed on the enlistment of men with certain specified qualifications. On May 27, 1941, the Department of National Defence issued instructions to District Officers Commanding regarding the recruitment of key men. If an enlisted man appears to be a key man, his employer will be given an opportunity to state reasons why he should not be withdrawn from industry. He may thereupon be granted leave of absence without pay, provided he himself consents.

*Prohibition of Enticement of Employees.*—Efforts were made to prevent competition among employers for skilled men and in general to ensure the efficient distribution of such men. P.C. 6286, November 7, 1940, prohibits employers from "endeavouring to entice to their service those who are already engaged in the production of munitions, war equipment and supplies. . . ." An amendment of June 25, 1941 (P.C. 4642) extends the coverage of the order "to all the industries, including civilian companies engaged in the British Commonwealth Air Training Plan, now covered by the Industrial Disputes Investigation Act", and provides that "regulations may be issued to prevent the employment of persons in certain designated skilled and scarce trades except through employment offices in accordance with a system of priorities".

*Travelling Expenses.*—The mobility of labour was increased by P.C. 10/6172, August 13, 1941, under which the Government may defray the expense incurred by workers when they (and, if necessary, their dependents and effects) are transferred from one locality to another according to the labour needs of war industries. Loans of up to \$10 may also be made to cover living expenses during the first week of employment.

*National Selective Service Program.*—On March 24, 1942, the Prime Minister announced in the House of Commons a National Selective Service Program and tabled the orders in council putting it into effect. By P.C. 2254, March 21, provision was made for the appointment of a Director and Associate Director of National Selective Service who, in consultation with the Inter-departmental Committee on Labour Co-ordination and a National Selective Service Advisory Committee, are to "co-ordinate the policies and activities of the departments and agencies of the Government of Canada which affect or relate to the demand for or supply of labour requisite to the prosecution of the war in all its phases," and to make such recommendations as are necessary. The National Selective Service Advisory Committee consists of the members of the

Inter-departmental Committee and the National War Labour Board and such other members as the Minister of Labour may designate. There is a National Selective Service Officer in each area assigned by the Unemployment Insurance Commission to a local employment and claims office.

*Man-power Inventory.*—The Minister of Labour was authorized by P.C. 1445, March 2, to maintain an inventory of employable persons. He was empowered to require any person to register or any employer to maintain such records as he may see fit, and to direct the Unemployment Insurance Commission, the Dominion Bureau of Statistics or any other Government agency to furnish any information he may require. In connection with this inventory, P.C. 1955, March 13, authorized the Unemployment Insurance Commission to make a register of all workers, whether in insurable employment or not, who are employed by employers having one or more persons in insurable employment. P.C. 2253, March 21, authorized the transfer of the records, functions and personnel of the National Registration Division of the Department of National War Services to the Department of Labour.

*Restricted Occupations.*—P.C. 2250, March 21, sets forth a list of restricted (non-essential) occupations and provides that no person may, without written permission from a National Selective Service Officer, enter into one of these occupations if he is between 17 and 45 and physically fit for military service. The Stabilization of Employment in Agriculture Regulations, 1942, (P.C. 2251, March 21) provide that no person wholly or mainly employed in agriculture may, without written permission from a National Selective Service Officer, enter into any employment outside agriculture except active service, compulsory military training or seasonal employment in lumbering and logging, forestry, fishing and trapping. Appeals from decisions made by National Selective Service Officers under either of these orders may be made to the Appeal Board, which is the National War Service Board established under the National War Services Regulations, in the area in which the applicant resides.

*Technical Personnel.*—P.C. 638, March 4, established the Essential Work (Scientific and Technical Personnel) Regulations. A person with certain specified qualifications of a scientific nature may be requested by the Minister of Labour to take employment in an undertaking engaged in essential work, and if the person himself consents his employer must release him within thirty days, although

the Minister will consider written objections made by the employer within that period. At the termination of his employment in essential work any such person must be re-instated by his original employer "in a position and under conditions not less favourable than would have been applicable to him had he not consented to perform such services." The director of the Wartime Bureau of Technical Personnel must be notified if (a) the contract of employment of such a person is terminated, (b) an employer wishes to engage him, or (c) if he himself wishes to enter into a contract of employment. No contract of employment may be made without the approval of the Minister of Labour.

### Regulations Respecting Seamen

The Merchant Seamen Order, 1941 (P.C. 2385, April 4, amended by P.C. 5088, July 10, P.C. 81/6954, September 6, and P.C. 7891, October 11), provides for the discipline of seamen who refuse to sail on outgoing ships, or whose conduct is likely to cause delay in the departure of a ship. P.C. 14/3550, May 19, 1941, establishes manning pools and extends welfare and training facilities for merchant seamen. Supplementary orders with the same object have also been issued. Regulations have been passed providing for the payment to merchant seamen and salt-water fishermen of pensions for disabilities suffered due to enemy action and of compensation for loss of earnings due to capture or internment in a foreign country.

### Civil Re-establishment of Armed Forces

From the beginning of the war attention has been given to the problems which will arise in connection with the demobilization and rehabilitation of the armed forces. A Special Committee of the Cabinet was constituted under P.C. 4068½, December 8, 1939, to consider these problems, and P.C. 5421, October 8, 1940, gave legal status to a General Advisory Committee whose duty is to make reports and recommendations to the Special Committee. By P.C. 1218, February 17, 1941, the terms of reference of the Special Committee were extended to include the general question of post-war reconstruction, and by P.C. 6874, September 2, 1941, a Committee on Reconstruction was set up.

Steps have been taken to provide discharged soldiers with employment opportunities and with financial assistance while awaiting employment, in addition to clothing and transportation allowances, medical treatment and pensions for disabilities.

A rehabilitation grant, amounting to 30 days' pay and dependents' allowance, is provided, under P.C. 7521, December 19, 1940,

as amended, to all men who have served continuously on active service for a period of not less than 183 days. The Post-Discharge Re-establishment Order (P.C. 7633, October 1, 1941, as amended by P.C. 2602, April 1, 1942) is designed to afford "substantially the same standard of protection as under the Unemployment Insurance Act to discharged persons until they become re-established in civil life", and to establish "as nearly as may be, parity . . . between discharged persons who may return to insurable employment . . . and those in insurable employment during the war period". Out-of-work benefits roughly equivalent to the benefits payable under the Unemployment Insurance Act to those in the upper wage scale, are to be paid to persons discharged after July 1, 1941, while they are awaiting employment opportunity, receiving vocational training, completing interrupted educational courses, awaiting returns from independent enterprises such as agriculture, or receiving remedial treatment. Moreover, after a discharged person has been in insurable employment for 15 weeks in any 12-month period after discharge, his military service subsequent to July 1, 1941, will be counted as insured employment, with the Government making the necessary employer's and employee's contributions to the Fund.

An advisory service is to be provided by the Veterans' Welfare Division of the Department of Pensions and National Health, which was set up by P.C. 6282, November 27, 1940,

to advise returned men on employment opportunities and other matters. Vocational training is to be provided under P.C. 15/10066, December 24, 1941, which authorizes the Department of Labour to provide such training in co-operation with the provinces, and to co-ordinate it with the training now being provided under the youth training and war emergency training programs.

Finally, discharged men were assured of their former jobs under the War Measures (Civil Employment Re-instatement) Regulations, 1941 (P.C. 4758, June 27), which provided that it is "the duty of any employer by whom a person accepted for service in His Majesty's Forces was employed when accepted for such service, to re-instate him in employment at the termination of that service . . . under conditions not less favourable than those which would have been applicable to him had he not enlisted". Section 21 of the National War Services Regulations, 1940 (Recruits) (Consolidation, 1941), as amended by P.C. 7680, made the Re-instatement Regulations applicable to men called up on the same terms as they apply to enlisted men, while P.C. 49/8817, November 11, 1941, applied them to members of the Canadian Women's Army Corps who at that time were not within the scope of the original regulations. These orders in council are not included in the present pamphlet since a Bill, containing basically the same provisions, is at present before Parliament.

## WARTIME ORDERS IN COUNCIL AFFECTING LABOUR

### Government Labour Policy

P.C. 2685, June 19, 1940.—[Minute of the Committee of the Privy Council, approved.] The Committee of the Privy Council have had before them a report, dated June 15, 1940, from the Minister of Labour, representing as follows:—

The Government has received from representative bodies of industry and of labour expressions of their desire to co-operate with the Government in the present crisis to the end that the industrial capacity of Canada requisite to the successful prosecution of the war may be utilized to the fullest possible extent.

The establishment and maintenance of good relations between firms engaged in the execution of war contracts, and the production of necessary materials therefor and their workpeople is of the utmost importance at this time, and the same is true indeed of the operations of distributive agencies and of services required to meet the needs of the civil population. In wartime the safety of the nation must be the first consideration of all patriotic citizens and no element in the community can be permitted to benefit from wartime necessities. The best interests of industry and labour are inseparable and since organized society alone makes possible industrial production to the mutual benefit of those engaged therein, the needs of the community at large, especially under war conditions, must be regarded as paramount.

The development of Canada's war effort has not been hampered to date by the occurrence of any serious labour troubles, and means have happily been found, through negotiation, conciliation and enquiry, of dealing effectively with any disputes as to wage rates and working hours which have arisen. While the causes of industrial unrest have not thus far arisen from the war, they might well be accentuated by it. It is clear that any differences that might arise would extend beyond wage scales or hours of labour and include the right of association in labour bodies and the right of organized workpeople to enter into collective agreements through which they may be expected to exercise a more organic influence on the processes of industrial life; all of them aspirations which, under wise direction, will make for the re-

moval of prejudice and for fuller co-operation between employers and employed. Statutory provisions have been made since the outbreak of hostilities to obviate the making of undue profits on war work, and the operation of the Wartime Prices and Trade Board is designed to safeguard the interests of the consuming public against undue enhancement of the prices of the necessities of life.

The policy is reaffirmed which was previously announced by the Prime Minister of Canada, that the full weight of the Government's power will be exerted to prevent the exploitation of wartime needs by any form of profiteering.

It would conduce to the removal of misunderstandings and to the extension of common interests and national purpose were a declaration to be made by the Government at this time of certain principles for the regulation of labour conditions during the war, the acceptance of which by employers and workpeople would make for the avoidance of industrial strife and the utmost acceleration possible in the production which is so essential in present circumstances.

The Committee, on the recommendation of the Minister of Labour, advise, with respect to the foregoing, that the following principles for the avoidance of labour unrest during the war be approved:—

1. That every effort should be made to speed production by war industries;
2. That fair and reasonable standards of wages and working conditions should be recognized and that where any temporary adjustments in remuneration are made, due to war conditions, they might well be in the form of bonus payments;
3. That hours of work should not be unduly extended but that where increased output is desired it should be secured as far as practicable by the adoption of additional shifts throughout the week, experience during the last war having shown that an undue lengthening of working hours results in excessive fatigue and in a diminution of output;
4. That established safeguards and regulations for the protection of the health and safety of the workers should not be

relaxed, but that every precaution should be taken to ensure safe and healthful conditions of work;

5. That there should be no interruption in productive or distributive operations on account of strikes or lockouts. Where any difference arises which cannot be settled by negotiation between the parties, assistance in effecting a settlement should be sought from the Government conciliation services, and failing settlement of the difference in this manner, it should be dealt with in accordance with the provisions of the Industrial Disputes Investigation Act, which has been extended under the War Measures Act to apply specifically to all war work;
6. That employees should be free to organize in trade unions, free from any control by employers or their agents. In this connection attention is directed to Section 11 of the provisions of Chapter 30, 3 George VI, an Act to Amend the Criminal Code, under which it is declared to be an offence, subject to prescribed penalties, for any employer or his agent wrongfully and without lawful authority to refuse to employ, or to dismiss from employment, any person because of his membership in a lawful trade union, or to use intimidation to prevent a workman from belonging to a trade union, or to conspire with other employers to do either of such acts;
7. That employees, through the officers of their trade union or through other representatives chosen by them, should be free to negotiate with employers or the representatives of employers' associations concerning rates of pay, hours of labour and other working conditions, with a view to the conclusion of a collective agreement;

8. That every collective agreement should provide machinery for the settlement of disputes arising out of the agreement, and for its renewal or revision, and that both parties should scrupulously observe the terms and conditions of any agreement into which they have entered;
9. That workers, in the exercise of their right to organize, should use neither coercion nor intimidation of any kind to influence any person to join their organization;
10. That any suspension which may be made of labour conditions established by law, agreement or usage, requisite to the speeding of wartime production, should be brought about by mutual agreement and should be understood as applying only for the period of emergency.

The foregoing declaration by the Government of principles for the regulation of labour conditions during the war is necessarily subject to the provisions of any enactment by the Parliament of Canada or made under its authority for the purpose of meeting any special emergency whereby the national safety of Canada has become endangered.

The Committee further advise that the attention of employers in meeting their requirements as to labour supply be drawn to the available facilities of the local offices of the Employment Service of Canada in all of the provinces, where thousands of skilled and semi-skilled workers whose training and experience qualify them for war work and employment in industry generally have already been registered, and that advantage be taken of this service to the fullest possible extent.

Many employers have established contacts with trade unions in meeting their requirements as to labour supply, and the Minister of Labour is of opinion that the more general adoption of this practice would assist in the avoidance of unnecessary labour shortage.

## Industrial Relations

### Extension of Industrial Disputes Investigation Act

P.C. 3495, Nov. 7, 1939, amended by P.C. 1708, Mar. 10, 1941.—His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and under and in virtue of the War Measures Act (Chap. 206, R.S.C., 1927), is pleased to order and it is hereby ordered that the provisions of the Industrial Disputes Investigation Act (Chap. 112, R.S.C., 1927), other than section 64 thereof, shall specifically apply in respect of any dispute between employers and em-

ployed engaged in the construction, execution, production, repairing, manufacture, transportation, storage or delivery of munitions of war or supplies, and in respect also of the construction, remodelling, repair or demolition of defence projects, as hereinafter respectively defined. (Amended, P.C. 1708.)

His Excellency in Council is hereby further pleased to order that in and for the purposes of this Order,

- (a) "munitions of war" means arms, ammunition, implements of war, naval, military or air stores, or any articles

deemed capable of being converted thereinto, or made useful in the production thereof, intended for the use of His Majesty's naval, military or air forces or for the use of the forces of any of His Majesty's allies in the present war; (Amended, P.C. 1708.)

- (b) "supplies" includes materials, equipment, ships, aircraft, automotive vehicles, goods, stores and articles or commodities of every kind required or intended for war purposes including, but not restricting the generality of the foregoing (i) articles and equipment which, in the opinion of the Minister of Labour, would be essential for the needs of the Government or of the community in war; and (ii) anything which, in the opinion of the Minister of Labour, is, or is likely to be necessary for or in connection with the production, storage or supply of any such article as aforesaid\*; (Amended, P.C. 1708.)
- (c) "defence projects" includes the construction, erection, repair, improvement or extension of buildings, aerodromes, airports, dockyards, roads, defence fortifications or other naval, military or air force works.

#### Industrial Disputes Inquiry Commission

P.C. 4020, June 6, 1941, amended by P.C. 4844, July 2, 1941, and P.C. 7068, Sept. 10, 1941.—Whereas the Minister of Labour reports that the extension of the Industrial Disputes Investigation Act to war industries has necessarily resulted in a marked increase in the number of applications for Boards of Conciliation and Investigation; and

That a number of such applications may have reference to disputes of a nature *prima facie* as not to warrant the appointment of a Board of Conciliation and Investigation;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, and under the authority of the War Measures Act (Chap. 206, R.S.C., 1927) is pleased to order and it is hereby ordered as follows:—

1. When in any industry to which the Industrial Disputes Investigation Act, as extended by P.C. 3495 and P.C. 1708, applies, a strike or lockout has occurred or seems to the Minister of Labour to be imminent and whether or not a Board of Conciliation and Investigation has been applied for and whether or not either of the parties to the dispute has submitted a declaration that, failing an adjust-

ment of the dispute, a lockout or strike will be declared, and whether or not authority to declare such lockout or strike has been obtained, as required by section 16 (2) of the Industrial Disputes Investigation Act, the Minister of Labour may refer the dispute to a tribunal to be designated as an Industrial Disputes Inquiry Commission, which shall make a preliminary investigation into the dispute promptly and, if a mutually satisfactory adjustment is not arrived at, shall advise the Minister on the matters at issue and whether the circumstances warrant the appointment of a Board of Conciliation and Investigation under the provisions of the Industrial Disputes Investigation Act, provided, however, that the Commission shall not offer any opinion as to the merits or substantial justice of such features of the case as may have to be submitted to a Board of Conciliation and Investigation.

2. An Industrial Disputes Inquiry Commission shall consist of one or more members appointed by the Minister of Labour and each member thereof shall have the full powers of a Commissioner under the provisions of the Inquiries Act, and may in the above circumstances inquire into any such dispute, lockout or strike or into any matters or circumstances connected therewith referred to such Commission by the Minister. (Amended, P.C. 4844.)

3. The members of an Industrial Disputes Inquiry Commission shall be remunerated for their services in accordance with the provisions of Section 52 of the Industrial Disputes Investigation Act.

4. All charges and expenses incurred by the Government in connection with the administration of these provisions shall be defrayed out of the appropriations provided by Parliament for the administration of the Industrial Disputes Investigation Act.

5. An Industrial Disputes Inquiry Commission shall, upon direction of the Minister of Labour, examine into any allegation that any person has been discharged or discriminated against for the reason that he is a member of or is working on behalf of a trade union or that any person has been improperly coerced or has been intimidated to induce him to join a trade union and, failing settlement of the matters at issue, shall forthwith report its findings and recommendations to the Minister of Labour. The Minister shall issue whatever order he deems necessary to effect such recommendations and such order shall be final and binding upon the employer

\* See p. 5 for industries declared by Minister of Labour to be under Act as extended.

and employees and any other person concerned. (P.C. 4844; amended, P.C. 7068.)

6. Nothing in the foregoing shall be construed to give employees the right to work for or to attempt to organize a union in their working hours at the place of their employment. (P.C. 4844; amended, P.C. 7068.)

7. The provisions of Sections 57 and 59 of the Industrial Disputes Investigation Act shall apply with respect to any strike or lockout pending investigation by an Industrial Disputes Inquiry Commission. (P.C. 4844.)

### Strikes Prohibited Until After Ballot

P.C. 7307, Sept. 16, 1941, amended by P.C. 8821, Nov. 13, 1941.—Whereas it is provided in the Industrial Disputes Investigation Act that the relations of the parties to a dispute shall remain unchanged pending proceedings before a board and until a copy of the Board's report has been delivered through the Registrar to both of the parties affected;

And whereas by Order in Council P.C. 3495, of November 7, 1939, as amended by Order in Council P.C. 1708, of March 10, 1941, the provisions of the aforesaid Act were extended to disputes between employers and employed engaged in the production of munitions of war and supplies and the execution of defence projects;

Therefore, with a view to the avoidance of industrial strife and to the end that the industrial capacity of Canada requisite to the successful prosecution of the war may be utilized to the fullest possible extent, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and under and by virtue of the powers conferred by the War Measures Act, Chapter 206, R.S.C., 1927, is pleased to make the following regulations and they are hereby made and established accordingly:—

1. In any case in which a Board of Conciliation and Investigation has submitted its findings to the Minister of Labour and certified copies of the same have been delivered to both parties to the dispute, no strike shall take place except subject to and in accordance with the provisions of these regulations.

2. If it be the desire of the employees to strike or to take a strike vote, they shall before going on strike or taking a strike vote notify the Minister that such is their desire, and upon receipt of any such notice if the Minister is of opinion that a cessation of work would interfere with the efficient prosecution of the war, he may order or direct that a strike vote be taken under the supervision of the Department of Labour upon and subject to such provisions, conditions, restrictions or stipulations as he may make or impose.

3. In any case in which the Minister makes an order or direction as aforesaid, all employees who in his opinion are affected by the dispute shall be entitled to vote and the voting shall take place within five days from the day upon which the Minister received notice that the employees desired to take a strike vote. (Amended, P.C. 8821.)

4. Unless a majority of the ballots of those entitled to vote are cast in favour of a strike it shall be unlawful for any employee to go on strike.

5. Any employee who goes on strike contrary to the provisions of these Regulations and any person who contravenes or fails to comply with any of these Regulations or any order or direction made or given by the Minister thereunder, or who incites, encourages or aids in any manner any employee to go or continue on strike, or any person to contravene or fail to comply with any of these Regulations or any order or direction of the Minister thereunder, shall be guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding twelve months, or to both fine and imprisonment.

### Picketing under the Defence of Canada Regulations

[P.C. 5295, July 15, 1941, establishes the Defence of Canada Regulations (Consolidation) 1941. P.C. 5830, July 29, 1941, amends this Consolidation by defining "strike" to mean "a lawful strike" and by adding Regulations 51A and 51B.]

6. [Paragraphs (1) and (3) prohibit trespassing on or loitering near premises used for the performance of essential services, premises, vehicles, vessels or aircraft used for the purposes of His Majesty's service or for defence against or protection from an enemy, or premises in the vicinity of a protected place. "Essential service" means electric, gas, water, telephone and telegraph services, transport facilities, irrigation works, mines and factories producing war materials or supplies, and any other undertaking declared by the Governor in Council to be essential. A "protected place" means premises designated by the Minister of Justice under Regulation 3 (1) when he considers that special precautions must be taken to prevent unauthorized persons from entering them.]

(6) No person shall be guilty of an offence under paragraphs one and three of this Regulation respecting premises used or appropriated for the performance of an essential service provided that he is only taking part in, or peacefully persuading any other person to take part in, a strike and that he is not otherwise unlawfully on or near or loitering in the

vicinity of such premises. (P.C. 892, Feb. 7, 1941.)\*

[Regulation 27 (1) prohibits acts intended to impair the efficiency of any vessel, aircraft, vehicle or machinery used for the purposes of His Majesty's forces or for the performance of essential services, and Regulation 29 forbids any person doing any act which he has reasonable cause to believe will be likely to interfere with the performance of their duties by members of His Majesty's forces or by persons engaged in the operation of essential services. Each Regulation contains the proviso "that a person shall not be guilty of an offence under this Regulation by reason only of his taking part in, or peacefully persuading any other person to take part in, a strike."]

51A [Paragraphs (1) to (6) provide that in any case where there is a riot or other action which in the opinion of the Minister of Munitions and Supply threatens war production, the Minister may request the Commissioner of the Royal Canadian Mounted Police to take such measures as are necessary to suppress the riot. If the police forces are considered by the Commissioner to be inadequate to suppress the riot, the Minister of National Defence may, on the request of the Minister of Munitions and Supply, call out the Active Militia.]

(7) A strike or the peaceful persuasion of a person by another to take part in a strike shall not be an action to be prevented or suppressed under this Regulation.

[Regulation 51B provides a penalty for any person engaged in war production who does any act which is likely to interfere with that production, but contains the proviso exempting taking part in or peacefully persuading another to take part in a strike.]

### Training of Personnel Managers

P.C. 26/1840, Mar. 10, 1942.—[Minute of the Treasury Board, approved.] The Board have had under consideration a submission from the Honourable the Minister of Labour reporting as follows:

- (1) Evidence is accumulating that problems of personnel administration in the war industries are becoming increasingly important and require the attention of persons of specialized training;
- (2) The adoption of clear-cut personnel policies and their administration by effective personnel departments make

for the removal of misunderstanding and lead to fuller co-operation between employers and employees;

- (3) It would be advisable for the Government to encourage the creation of personnel departments in all moderate and large sized industrial establishments; and
- (4) In the present emergency it would lead to more efficient prosecution of the war effort if the Government would, as in the United Kingdom, facilitate the training of suitably qualified persons in the fundamental principles and practice of personnel management.

The Board concur in the above report and recommend that, under the War Measures Act, the following regulations be approved:

- (1) The Minister of Labour is hereby authorized to make provision for the extension and improvement of training in personnel management and for that purpose there may be appointed, in conformity with existing regulations, an official to be known as the Director of Personnel Training, together with such technical and clerical staff as may be found necessary.
- (2) The duties of the Director of Personnel Training shall be to develop plans, subject to the approval of the Minister, for the promotion of sound personnel management primarily, but not exclusively, in the war industries.
- (3) In the furtherance of such plans, the Minister may enter into agreements with universities which submit approved plans for practical courses in personnel management to defray the reasonable costs of any such course. Such agreements shall provide that the Department of Labour shall make an accountable advance to any such university to defray the necessary travelling expenses of selected applicants who successfully complete such course. Such expenses shall not exceed the actual out-of-pocket expenses of the applicant, viz, transportation, berth if required, and meals en route from his home or place of employment to the place where such course is given, and return, and shall not include living expenses while in attendance at such course.
- (4) The Minister may appoint without remuneration experienced personnel managers employed in industry to serve as consultants to less experienced personnel managers in other industries and establishments and may reimburse them for any actual travelling expenses incurred in connection with such duties.

\* Regulation 21 provides the Minister of Justice with power to make an order, if he deems it necessary, directing that any person be detained or restricted in his business, movements, association with others, dissemination of information, or possession or use of any specified articles. P.C. 3016, April 14, 1942, amends this Regulation by providing that no such order may be made merely because a person is taking part in, or persuading others to take part in a lawful strike.

## Wage Stabilization

### Wartime Wages and Cost of Living Bonus Order

P.C. 8253, Oct. 24, 1941, amended by P.C. 9514, Dec. 5, P.C. 9926, Dec. 31, P.C. 10195, Dec. 31, 1941, and P.C. 871, Feb. 6, 1942.—Whereas the Minister of Labour reports that in order to achieve a stabilization of wage rates at fair and reasonable levels, in the interest of the war effort, it is necessary to extend the provisions embodied in P.C. 7440, of December 16, 1940, as amended by P.C. 4643, of June 27, 1941, to cover substantially all employers and employees; and

That it is necessary to provide administrative machinery for the more effective development of a wartime wages and labour policy.

And whereas the Minister of Labour, therefore, recommends that Order in Council P.C. 7440, of December 16, 1940, as amended by Order in Council P.C. 4643, of June 27, 1941, be revoked, effective the fifteenth day of November, 1941, and a new Order, as hereinafter set forth, made in substitution therefor.

Now therefore His Excellency the Governor General in Council, is pleased to revoke Order in Council P.C. 7440, of December 16, 1940, as amended by Order in Council P.C. 4643, of June 27, 1941, and it is hereby revoked, effective November 15, 1941.

His Excellency in Council, under the authority of the War Measures Act, Chapter 206, Revised Statutes of Canada 1927, is further pleased to make the following Order, and it is hereby made and established in substitution for the said Order in Council P.C. 7440, as amended,—

#### ORDER

1. This Order may be cited as the Wartime Wages and Cost of Living Bonus Order.

2. (1) In this Order, unless the context otherwise requires, "employer" means any person, firm or corporation employing any person but shall not include

- (i) any department or agency of the Government of Canada subject to the provisions of Order in Council P.C. 6702, of 26th August, 1941, as amended; or
- (ii) any department or agency of any provincial government or any municipality; or
- (iii) any person, firm or corporation engaged in agriculture, horticulture, fishing, hunting or trapping; or
- (iv) any hospital or religious, charitable or educational institution or association not carried on for purposes of gain. (Amended. P.C. 9514.)

(2) This Order shall be applicable in respect of all employment by any employer other than domestic service in a private home and employment of a casual nature otherwise than for the purpose of the employer's trade or business. (P.C. 9514.)

### *Constitution of the National War Labour Board*

3. (1) There shall be a National War Labour Board (hereinafter referred to as the National Board), which shall consist of a Chairman and four or more members, representing employers, and four or more members, representing employees.

(2) The Chairman shall be appointed by the Governor in Council and shall hold office during pleasure.

(2A) If the Chairman of the National War Labour Board is the Minister of Labour and if, at any time, he is unable to act as Chairman, the Deputy Minister of Labour or such other person as the Minister may designate may act as Chairman and may exercise all the powers and shall perform all the duties of the Chairman under this Order or under any by-laws made pursuant to this Order. Whenever the Deputy Minister or other person aforesaid has acted as Chairman, it shall be conclusively presumed that the Minister of Labour was unable to act as Chairman. (P.C. 9926.)

(3) The members of the National Board shall be appointed by the Governor in Council on the recommendation of the Minister of Labour, after consultation with the National Labour Supply Council and shall hold office during pleasure.

(4) The head office of the National Board shall be at Ottawa.

(5) A majority of the members of the National Board shall constitute a quorum.

(6) There shall be an executive committee of the National Board which shall consist of the Chairman and two other members to be selected by the National Board, which shall exercise such powers as may be conferred upon it by the by-laws.

(7) The members of the executive committee shall be paid such salaries as may be fixed by the Governor in Council.

(8) The members of the National Board who are not members of the executive committee shall be paid such per diem allowance and such allowance for expenses as may be fixed by the Governor in Council.

4. (1) The National Board may appoint an officer to be the chief executive officer of

the National Board who shall be paid such salary as may be fixed by the Governor in Council.

(2) The Department of Labour shall furnish such technical and clerical assistance to the National Board as may be possible and the National Board, with the approval of the Governor in Council, may employ such other officers and employees as may be necessary for the conduct of its business and may, with such approval, fix their remuneration.

#### *Powers of National Board*

5. (1) The National Board shall be charged with

- (a) the administration of this Order and P.C. 7679 of the 4th October, 1941;
- (b) the administration of the Fair Wages and Hours of Labour Act; 1935;
- (c) the supervision of the Regional War Labour Boards, established under the provisions of this Order; and
- (d) such other duties as may be imposed upon it by the Governor in Council or by the Minister of Labour.

(2) The National Board shall, as directed by the Minister of Labour, investigate wage conditions and labour relations in Canada and shall from time to time make such recommendations as it may deem necessary in connection therewith, having regard to the principles enunciated in P.C. 2685 of the 19th June, 1940.

6. (1) The National Board shall have all the powers and authority of a Commissioner appointed under Part I of the Inquiries Act, Chapter 99 of the Revised Statutes of Canada, 1927.

(2) The Chairman or any member of the National Board may administer oaths.

7. (1) The National Board may make such by-laws as may be necessary

- (a) to enable it to carry into effect the duties imposed upon it by this Order;
- (b) to confer upon the executive committee of the National Board power to act for it as set out in the by-laws;
- (c) to provide for the supervision and control of its officers, clerks and employees; and
- (d) to empower Regional Boards to carry out any duties or responsibilities imposed upon them in connection with the administration of this Order and for such purposes to act for the National Board as set out in the by-laws. (Amended, P.C. 9514).

(2) No such by-laws shall come into force and effect until approved by the Minister of Labour and no alteration, modification or repeal of any such by-laws shall have any force or effect until so approved.

#### *Regional War Labour Boards*

8. (1) There shall be nine Regional War Labour Boards (hereinafter referred to as Regional Boards), one for each Province, each of which shall consist of a chairman and one or more representatives of employers and one or more representatives of employees. (Amended, P.C. 9514).

(2) The chairman of the Regional Board for each Province shall be the Minister of Labour of that Province, or if there is no such Minister, the Minister of that Province whose duties include the regulation of working conditions and related matters. (Amended, P.C. 9514).

(3) The Chairman of each Regional Board may designate a person to be Vice-Chairman thereof to preside over the Regional Board in his absence.

(4) The members of the Regional Boards representing the employers and employees shall be appointed by the Governor in Council on the recommendation of the Minister of Labour, after consultation with the National Labour Supply Council and the Ministers of Labour of the Provinces concerned, and the head office of each Regional Board shall be at such place as may be determined by each Regional Board.

(5) The majority of the members of each Regional Board shall constitute a quorum of the Regional Board.

(6) The members of the Regional Board representing the employers and the employees shall be paid such per diem allowance and such allowance for expenses as may be fixed by the Governor in Council.

(7) Each Regional Board may appoint an executive officer to be the chief executive officer of the Regional Board and such officer shall be paid such salary as may be fixed by the Governor in Council.

9. (1) A Regional Board shall be charged with such duties and responsibilities as may be assigned it by the National Board.

(2) A Regional Board shall have all the powers and authority of a Commissioner appointed under Part I of the Inquiries Act, Chapter 99 of the Revised Statutes of Canada, 1927.

(3) The Chairman or any member of a Regional Board may administer oaths.

### *Expenses*

10. The administrative expenses of the National Board and of the Regional Boards, other than the salaries and usual travelling expenses of Dominion and provincial officials, shall be paid out of the War Appropriation.

### *Wage Rates*

11. (1) Except on written permission of the National Board, as herein provided, no employer shall increase or decrease the basic scale of wage rates paid by him at the effective date of this Order. (Amended, P.C. 9514).

(2) If the National Board finds that any employer's basic scale of wage rates is low as compared with the rates generally prevailing for the same or substantially similar occupations in the locality or in a locality which in the opinion of the National Board is comparable, it may prescribe such increased wage rates as it finds fair and reasonable.

(3) If the National Board finds any employer's basic scale of wage rates is enhanced as compared with the rates generally prevailing for the same or substantially similar occupations in the locality or in a locality which in the opinion of the National Board is comparable, it may order that the cost of living bonus hereinafter provided, shall be deferred for such period or adjusted to such amount as it finds fair and reasonable.

### *Cost of Living Bonus*

12. Except as otherwise provided by Sections 11 and 13 of this Order, every employer shall pay to all his employees, other than those occupying positions above the rank of foreman or comparable ranks, a wartime cost of living bonus based on the increase in the cost of living, as measured by the cost of living index for the Dominion as a whole prepared by the Dominion Bureau of Statistics, and payable for each payroll period at the same time as wages are paid for such period, unless where mutually agreed to be paid monthly, as follows:

(a) Effective for the first payroll period beginning on or after November 15, 1941, each employer who has been paying a bonus pursuant to P.C. 7440 of 16th December, 1940, as amended, shall add to the amount of such bonus an amount based as hereinafter provided on the rise in the index number for October, 1941, above the most recent index number used to determine the current amount of such bonus.

(aa) Effective for the first payroll period beginning on or after February 15th, 1942, each employer who has been pay-

ing a cost of living bonus otherwise than pursuant to P.C. 7440 of 16th December 1940, or who has been paying an increase in wages granted expressly in lieu of a cost of living bonus, shall, if the amount of such cost of living bonus or increase was not, in respect of the last payroll period beginning before February 15th, 1942, adjusted to equal the amount of the cost of living bonus calculated in accordance with the provisions of this Order based on the rise in the index number for the month in respect of which such adjustment was made above the index number for the month at the beginning of the period in the rise of the cost of living in respect of which such cost of living bonus or increase was paid, notwithstanding anything contained in section 18 hereof, increase or decrease the amount of such cost of living bonus or such increase in conformity with paragraphs (c), (d) and (e) of this section but he shall not increase the amount of such cost of living bonus or such increase so long as it is in excess of the amount of a cost of living bonus calculated in accordance with the provisions of this Order on an announced rise in the index number above the index number for the month at the beginning of the period of the rise in the cost of living in respect of which such cost of living bonus or increase was paid. (P.C. 871).

- (b) Effective for the first payroll period beginning on or after February 15, 1942, each employer who is not then paying a bonus in accordance with the provisions of this Order shall pay a bonus in an amount based as hereinafter provided on the rise in the index number for January, 1942, above the index number for October, 1941, or for such earlier month, not earlier than the effective date of the last general increase in wages paid by him and not earlier than August, 1939, as the National Board finds fair and reasonable.
- (c) The rise or fall in the index shall be measured in points, to the nearest one-tenth of one point, after the index has been adjusted to the base of 100.0 for August, 1939.
- (d) For each rise of one point in the index, the amount of the bonus or the increase in the amount of the bonus, as the case may be, and for each fall of one point in the index, the decrease in the amount of the bonus, shall be:—

- (i) twenty-five cents per week for all adult male employees; and for all other employees employed at basic wage rates of twenty-five dollars or more per week, and
  - (ii) one percent of their basic weekly wage rates for male employees under twenty-one years of age and female workers employed at basic wage rates of less than twenty-five dollars per week.
- (e) The amount of the bonus shall be redetermined every three months (viz. effective for the first payroll periods beginning on or after the fifteenth day of the months of February, May, August and November, respectively) on the basis of the change in the cost of living shown by the index number for the immediately preceding month (viz. January, April, July and October) as compared with the index number on which the last previous change in the amount of the bonus was based. The amount of the bonus shall not be changed unless the cost of living has changed one whole point or more. Whether the bonus shall be changed, and, if so, the increase or decrease in its amount, as the case may be, shall be determined and announced by the Board in accordance with the provisions of this subsection and subsections (c) and (d) of this section.
- (f) The bonus shall be payable only with respect to employment at basic wage rates, not including overtime. For any pay period during which an employee is employed and paid for less than the normal full time hours of work at basic wage rates he shall be paid that proportion of his full time bonus which the number of hours he actually worked at basic wage rates is of the normal full time hours of work in that period.
- (g) In case of any dispute as to whether in any case a bonus is payable and the amount of such bonus, the National Board shall determine the matter in dispute and its determination shall be final and binding on the employer and employees concerned.

13. Any employer may apply to the National Board for exemption from the payment in whole or in part of the said bonus, and, if it be clearly shown to the National Board that such employer is financially unable to pay the said bonus, the National Board may authorize the partial payment or

non-payment of the bonus subject to such terms and conditions as it may deem advisable.

#### *Penalty*

14. Any employer, or officer or agent thereof, who employs any person upon terms which involve a violation of any provision of this Order, or contravenes or fails to observe any of the provisions hereof, or of any order or direction of the National Board or of a Regional Board, shall be guilty of an offence and liable on summary conviction to a fine of not less than one hundred dollars nor more than five thousand dollars.

15. The Minister of National Revenue shall disallow as an abnormal expense pursuant to section 8 (b) of the Excess Profits Tax Act, Chapter 32 of the Statutes of 1940, and subsection (2) of section 6 of the Income War Tax Act, the amount of any wages or bonus payments found to have been paid or certified to him by the National Board as having been paid in excess of the amounts herein prescribed.

#### *General*

16. Any provision of any collective labour agreement which is inconsistent with the provisions of this Order shall be brought into conformity with this Order not later than February 15, 1942. Any agreement so modified, and any other condition of work otherwise suspended in the interest of war production shall be fully restored on the termination of the present war. The National Board shall maintain a record of all such modifications and suspensions. (Amended, P.C. 10195.)

17. Except with respect to the determination of wage rates and cost of living bonuses this Order shall not affect the conduct of the business of the National Joint Conference Board of the Construction Industry.

18. This Order shall supersede any inconsistent provisions of any Dominion or Provincial law, order or regulation, but nothing in this Order shall deny to employees cost of living bonus or other benefits to which they were entitled up to November 15, 1941. (Amended, P.C. 9514.)

19. This Order shall be effective on and after the 15th day of November, 1941.

#### **National and Regional War Labour Boards**

Members of the Boards were appointed by order in council. They and the sides they represent are as follows:—

*National Board (P.C. 9022, Nov. 19, 1941)*

*Employers:* A. Deschamps, Builders' Exchange, Montreal; George Hodge, Personnel

Department, C.P.R.; G. Jackson, Sentinel Securities of Canada, Ltd., Toronto; J. H. Stovel, Dome Mines; H. Taylor, Canadian National Carbon Co., Ltd., Toronto.

**Workers:** John A. Bell, Order of Railroad Telegraphers; W. J. Dunn, Toronto District Labour Council; John McClelland, International Association of Machinists; A. R. Mosher, Canadian Congress of Labour; Gérard Picard, Canadian and Catholic Confederation of Labour.

By P.C. 9922, Dec. 19, 1941, Hon. Humphrey Mitchell, Minister of Labour, was appointed Chairman.

*Prince Edward Island*  
(P.C. 10124, Dec. 31, 1941)

**Employers:** J. M. Hunter, Charlottetown.

**Workers:** Leo. F. Corcoran, Charlottetown.

*Nova Scotia (P.C. 10207, Dec. 31, 1941)*

**Employers:** Sydney C. Miffen, Dominion Coal Co.; Arthur W. Schwartz, Lunenburg Foundry Co.

**Workers:** Clinton Giles, Brotherhood of Locomotive Engineers; Doane Curtis, Steel Workers' Organizing Committee.

*New Brunswick (P.C. 9544, Dec. 6, 1941)*

**Employers:** R. W. Cameron, Lumberman; C. Alan Beateay, Snowflake Lime Co., Ltd., Saint John.

**Workers:** George R. Melvin, New Brunswick Federation of Labour; R. F. Gould, Canadian Brotherhood of Railway Employees and Other Transport Workers.

*Quebec (P.C. 9632, Dec. 9, 1941)*

**Employers:** François Faure, Consolidated Paper Corp., Ltd., Montreal; Robert McLagan, Canadian Vickers, Ltd., Montreal; Col. J. N. Dessureault, Dessureault and Co., Quebec.

**Workers:** Paul E. Marquette, Canadian Congress of Labour; Phillipe Lessard, National Catholic Pulp and Paper Federation; Lionel Thibeault, Boot and Shoe Workers Union, Montreal.

*Ontario (P.C. 9410, Dec. 2, 1941)*

**Employers:** S. E. Dinsmore, Dinsmore-McIntire, Ltd., Windsor; C. B. C. Scott, Massey-Harris Co., Ltd.; E. E. Sparrow, Imperial Varnish and Color Co., Ltd., Toronto.

**Workers:** J. Cauley, Trades and Labour Congress of Canada; Joseph Corbett, Brotherhood of Railway Carmen; Elroy Robson, Canadian Congress of Labour.

*Manitoba (P.C. 10126, Dec. 31, 1941)*

**Employers:** J. H. Parkhill, Parkhill Bedding, Ltd., Winnipeg; E. Claydon, Claydon Co., Ltd., Winnipeg.

**Workers:** Fred Keeley, Trades and Labour Congress of Canada; John S. McNabb, Winnipeg Labour Council.

*Saskatchewan (P.C. 150, Jan. 9, 1942)*

**Employers:** LeRoy Johnson, K.C., National Sodium Products, Ltd., Moose Jaw; F. E. Doull, Robert Simpson Co., Ltd., Regina.

**Workers:** H. D. Davis, Brotherhood of Railway Carmen; Gerald Dealtry, Trades and Labour Council, Saskatoon.

*Alberta (P.C. 10125, Dec. 31, 1941)*

**Employers:** Wm. Innes, Burns and Co., Ltd., Calgary; H. G. MacDonald, Edmonton.

**Workers:** T. G. Thompson, Sheet Metal Workers International Association; D. Mathieson, United Mine Workers of America, Dist. 18.

*British Columbia (P.C. 9631, Dec. 9, 1941)*

**Employers:** Byron Johnson, Gilley Bros., New Westminster; John Tucker, Vancouver; S. G. Smith, Bloedel, Welch and Stewart, Vancouver.

**Workers:** Chris Pritchard, Vancouver Metal Trades Council; L. Campbell, Boilermakers' and Iron Shipbuilders' Union of Canada; H. W. Mackey, Brotherhood of Locomotive Engineers.

**Wage Inspectors for P.C. 8253 and Fair Wages Policy**

P.C. 1774, Mar. 9, 1942.—Whereas the Minister of Labour reports that in July, 1941, arrangements were completed with the provincial Departments of Labour to co-operate in the enforcement of the fair wage and labour conditions on Government contracts and Order in Council P.C. 5522 of 22nd July, 1941, provided in part that the Minister of Labour was authorized to appoint certain provincial officials and others as his duly authorized representatives for the enforcement of the said conditions;

That identification cards "Department of Labour Dominion-Provincial Inspection", countersigned by the Dominion Deputy Minister of Labour and an authorized provincial official have been issued under the authority of the said Order in Council to certain provincial officials and other persons authorized to inspect labour conditions pursuant to the laws of the several provinces;

That Order in Council P.C. 8253 of 24th October, 1941, as amended, established the National War Labour Board and charged it, *inter alia*, with the administration of the fair wage and labour conditions on Government contracts.

That subsequently, the Provincial Departments of Labour agreed to co-operate with the National War Labour Board through the Regional War Labour Boards in the administration of the said Order in Council P.C. 8253 of the 24th October, 1941, as amended, and,

That it is desirable to extend the provisions of Order in Council P.C. 5522 of the 22nd day of July, 1941, to authorize the designation of provincial officials and certain other persons as duly authorized representatives of the National War Labour Board;

Now, therefore, His Excellency, the Governor General in Council, on the recommendation of the Minister of Labour, and under the authority of the War Measures Act, Chapter 206, Revised Statutes of Canada 1927, is pleased to revoke and doth hereby revoke Order in Council P.C. 5522 of 22nd July, 1941, and make the following Order:—

1. The Minister of Labour may authorize any person, including any provincial official, to act as his representative, or as an inspector for the purposes of the administration of the Wartime Wages and Cost-of-Living Bonus Order (Order in Council P.C. 8253 of 24th October, 1941, as amended).

2. Any person authorized by the Minister of Labour to act as an inspector shall have power to do all or any of the following things, namely:—

(a) to enter at all reasonable time any premises or place, other than a private dwelling house not being a workshop, where he has reasonable grounds for supposing that any employer subject to the Wartime Wages and Cost-of-Living Bonus Order (Order in Council P.C. 8253 of 24th October, 1941, as amended) Order in Council P.C. 7679 of the 4th October, 1941, and The Fair Wages and Hours of Labour Act, 1935, employs any persons;

(b) to make such examination and inquiry as may be necessary for ascertaining whether the provisions of the Wartime Wages and Cost-of-Living Bonus Order (Order in Council P.C. 8253 of 24th October, 1941, as amended), Order in Council P.C. 7679 of the 4th October, 1941, and The Fair Wages and Hours of Labour Act, 1935, are complied with in any such premises or place;

(c) to examine orally, either alone or in the presence of any other person as he thinks

fit with respect to any matters under the Wartime Wages and Cost-of-Living Bonus Order (Order in Council P.C. 8253 of 24th October, 1941, as amended), Order in Council P.C. 7679 of the 4th October, 1941, and The Fair Wages and Hours of Labour Act, 1935, every person whom he finds in such premises or place or whom he has reasonable cause to believe to be or to have been employed pursuant to the provisions of the Wartime Wages and Cost-of-Living Bonus Order (Order in Council P.C. 8253 of 24th October, 1941, as amended) and to require every person to be so examined and to sign a declaration of the truth in respect of such matters in which he is examined.

3. The occupier of any such premises or place or any other person who employs any persons engaged in work thereon or any servant of any such occupier or other person or any employed person on such premises, shall furnish to any inspector all such information and shall produce for inspection all such registers, books, cards, wage sheets, records of wages and other documents as the inspector may reasonably require.

4. If any person wilfully delays or obstructs an inspector in the exercise of any power under subsection (1) of this Order or fails to give such information or to produce such documents as required under subsection (2) of this Order, or conceals or prevents, or attempts to conceal or to prevent any person from appearing before, or to be examined by, an inspector, shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$200.

5. (1) The Minister of Labour shall furnish to every inspector appointed under this Order a card certifying his appointment and such inspector shall, on applying for admission to any premises, or requesting any information, or commencing any examination for the purpose of this Order, if so required, produce the said certificate to the occupier or person from whom he is requesting such information or whom he desires to examine.

(2) The production of any such card by any person purporting to be an inspector shall be evidence as to the appointment of such person as inspector.

(3) Any person authorized as a representative of the Minister of Labour under Order in Council P.C. 5522 of July 22, 1941, is an inspector under this Order and any Department of Labour Dominion-Provincial Labour

Inspection identification card is, for the purposes of this Order, a card certifying the appointment of such person as an inspector.

6. Any inspector who makes use of the authority vested in him by this Order for any purpose otherwise than in accordance with the instructions of the Minister of Labour, the National War Labour Board, a Regional War Labour Board, or in any other manner authorized by law shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$200.

7. The Minister of Labour may designate any department, board, committee or corporation authorized by the law of any province to administer any law, order, regulation or agreement relating to working conditions as his agent or as the agent of the National War Labour Board or a Regional War Labour Board for the purposes of supervising the members of its staff in the performance of their duties as representatives or inspectors pursuant to this Order.

#### **Wage Stabilization in Certain Shipyards**

[P.C. 629, Jan. 26, 1942, puts into effect a plan for the stabilization of basic wage rates in ten shipyards in Ontario and Quebec, which was developed on the basis of the recommendations of a Royal Commission set up to investigate the matter, of the reports of a number of Boards of Conciliation and Investigation and of various submissions from employers and employees. Basic rates for mechanics and cost of living bonuses are set forth for the following companies: Kingston Shipbuilding Company, Limited; Collingwood Shipyards, Limited; Midland Shipbuilding Company, Limited; Toronto Shipbuilding Company, Limited; Port Arthur Shipbuilding Company, Limited; Canadian Vickers, Limited (Marine Division); Davie Shipbuilding and Repairing Company, Limited; George T. Davie and Sons; Marine Industries, Limited; and Morton Engineering and Dry Dock Company, Limited. The Minister of Labour is authorized to adjust the basic wage rates for other classifications "in such relationship to the basic wage rates specified for mechanics and in such amounts as in his opinion, having regard to all the circumstances, are fair and reasonable". The cost of living bonus is to be adjusted in accordance with the terms of P.C. 8253.]

#### **Wartime Salaries Order**

P.C. 1549, Feb. 27, 1942.—Whereas by Order in Council P.C. 9298, of November 27, 1941, "The Wartime Salaries Order" was made for the purpose of stabilizing the rates of managerial and executive salaries paid during

wartime in the same general way as wage rates are stabilized under the Wartime Wages and Cost of Living Bonus Order, and permitting the payment of a specified cost of living bonus to salaried officials earning less than \$3,000 per year;

And whereas by Order in Council P.C. 946, of February 6, 1942, certain of the provisions of the said Wartime Salaries Order were amended for the various reasons recited in the said amending Order;

And whereas the Minister of Finance and the Minister of National Revenue report that it is found that the said Wartime Salaries Order, as amended, bears with special and unintended severity upon industries engaged in the production, repairing and servicing of war supplies by reason of the fact that many of the businesses concerned were necessarily in the process of organization or rapid expansion during the period before the said Order came into effect and had not had sufficient opportunity to adjust the salaries of salaried officials in accordance with changes in their duties and responsibilities;

That the Minister of Munitions and Supply advises that in his opinion serious interference with and loss of production in war industries may result if some provision is not made whereby adjustments in salaries can be made in proper cases;

That it is desirable to enable the Minister of National Revenue after investigation to permit under specified conditions the adjustment of salaries paid to individual salaried officials in industries producing, repairing or servicing war supplies;

That it is desirable to permit, under certain circumstances, the adjustment of the salary rate payable to a salaried official who was appointed or promoted on or after January 1, 1941, and who is receiving a probationary rate of salary which has not been increased above the rate first established at or after the time of the appointment or promotion;

That it is considered administratively impossible for the purpose of clause (i) of subparagraph (d) of paragraph 2 of the said Order to recognize contractual rights to bonus which are not evidenced in writing;

That it is desirable to make certain minor alterations in the wording of clauses (ii) and (iii) of subparagraph (d) of paragraph 2 of the said Order as amended in order to clarify the intended meaning of those clauses;

That it is, therefore, desirable to amend further the Wartime Salaries Order; and

That, in order to simplify reference to the Wartime Salaries Order as amended, it is desirable to rescind the original Order and the amending Order of February 6, 1942, and

make in their stead, a new Order consolidating the text of the original Order as amended by the Order of February 6, 1942, and the further amendments now proposed.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and the Minister of National Revenue concurred in by the Minister of Munitions and Supply, and under the authority of the War Measures Act, Chapter 206, Revised Statutes of Canada 1927, is pleased to revoke and doth hereby revoke Order in Council, P.C. 9298, of November 27, 1941, and Order in Council, P.C. 946, of February 6, 1942, and make the following order to be called "The Wartime Salaries Order":

#### ORDER

1. For the purpose of this Order, unless the context otherwise requires,

(a) "employer" shall include any person, body corporate or politic, and any association or other body, the heirs, executors, administrators, curators and other legal representatives of such person according to the laws of that part of Canada to which the context extends, irrespective of the number of persons employed by him, but shall not include

(i) the Government of Canada, or any board, commission or other organization operated by or under the authority of the Government of Canada, employees of which are subject to the terms and provisions of Order in Council P.C. 6702 of August 26, 1941, and amendments thereto;

(ii) the Government of any province of Canada, or any board, commission or other organization operated by or under the authority of the Government of any province of Canada;

(iii) any municipality, or any board, commission or other organization operated by or under the authority of a municipality;

(iv) any bona fide public hospital certified to be such by the Department of Pensions and National Health;

(v) any religious, charitable or educational institution or association not carried on for purposes of gain.

(b) "Salaried official" shall include every employee of an employer who is above the rank of foreman or comparable

rank, and for the purpose both of this Order and of the Wartime Wages and Cost of Living Bonus Order any employee receiving salary or wages (excluding cost of living bonus) at a rate of less than \$175 per month shall be deemed to be not above the rank of foreman or comparable rank; and anyone receiving a salary or wages (excluding cost of living bonus) at a rate of \$250 or more per month shall be deemed to be above the said rank of foreman or comparable rank unless the nature of his duties and responsibilities, or his relationship to other employees, indicates clearly that he is not above the said rank. In cases of doubt or dispute with regard to the rank of any employee or class of employees, the National War Labour Board, or a Regional War Labour Board, shall declare whether that employee or that class of employees is above the rank of foreman or comparable rank for the purpose of this Order and the Wartime Wages and Cost of Living Bonus Order.

(c) "Salary" shall include wages, salaries, bonuses, gratuities, emoluments or other remuneration including any share of profits or bonuses dependent upon the profits of the employer and all other forms of "income" as defined by Section 3 of the Income Tax Act if such income is related to the office or position occupied by the recipient and shall include payments to persons other than the employee in respect of services rendered by the employee and also payments in kind, and shall include the aggregate of all salaries paid by any one employer to any one employee, irrespective of how many positions the employee may occupy, and shall include the aggregate of all salaries paid to any employee by parent, subsidiary or affiliated companies resident or carrying on business in Canada; provided, however, that a salesman's commission, unless it has, in the opinion of the Minister of National Revenue, been substituted in whole or in part for another type of remuneration primarily with a view to defeating the purpose of this Order or been unreasonably increased since November 6, 1941, shall not be deemed to be a "salary".

(d) "Cost of living bonus" shall mean a periodic supplement to wages or salary occasioned by changes in the cost of

living and payable regularly either at the same time as the salary or wages are paid or at least once every month.

- (e) "The base year" shall mean the year commencing November 7, 1940, and ending November 6, 1941, both inclusive.

2. Unless otherwise permitted by paragraphs 3, 4 and 5 hereof, no employer shall, on or after November 7, 1941:

- (a) increase the rate of salary paid to a salaried official above the most recent salary rate established and payable prior to November 7, 1941, or if no rate of salary for a particular salaried official were established and payable prior to November 7 because the said salaried official was not employed by the employer prior to the said date, increase the rate of salary above the rate of salary first payable to the said salaried official.

A cost of living bonus established and payable prior to November 7, 1941, shall be regarded as part of the rate of salary established and payable to a salaried official prior to the said date, and as such may continue to be paid at the same rate, but may not subsequently be increased by reason of any increase in the cost of living index unless permitted by paragraph 4 hereof;

- (b) pay to a salaried official for whom no salary rate was established and payable by such employer prior to November 7, 1941, because the said salaried official was not employed by the employer prior to the said date, a rate of salary higher than the rate previously paid by the said employer to a salaried official performing substantially the same services or if there were no salaried official previously performing substantially the same services a rate of salary higher than a reasonable and proper rate having regard to the salary rates payable to salaried officials for similar services in like businesses;
- (c) pay fees to a director of a company at a rate in excess of the rate of fees paid to such director in the twelve months ending November 6, 1941, provided, however, that a newly appointed director of a company may be paid fees at the same rate as that paid to other directors of the said company during the twelve months ending November 6, 1941, and the payment thereof to such newly appointed director shall not be regarded as an increase in the salary of the said director for the purposes of this Order;

- (d) pay as bonus (which, for the purpose of this sub-paragraph, shall include gratuities and shares of profits but shall not include cost of living bonus) a larger total amount to any one salaried official during any year following November 6, 1941, than the total amount paid to the said salaried official as bonus in the base year, provided that:

- (i) where the salaried official has a contractual right evidenced in writing which existed at November 6, 1941, to receive such a bonus, defined as a fixed percentage of or in fixed ratio to his salary, the profits of the business, or the amount of sales, output or turnover of the business, the employer may continue to pay the said bonus at the same fixed percentage or ratio as that contracted for previous to November 7, 1941;

- (ii) where a salaried official has been engaged or promoted after November 6, 1940, the employer may pay him an amount as bonus not greater than the amount of bonus paid by the same employer to a salaried official doing substantially the same class or grade of work, and if the bonus is computed as a rate based upon some factor such as profits, sales or output, the total amount of it in any year shall be limited as herein provided;

- (iii) an employer may in any year after November 6, 1941, pay to a salaried official who was employed by him during the base year a larger amount as bonus than he paid to the said salaried official as bonus during the base year, provided that the said amount of bonus shall not exceed the largest amount paid as bonus by that employer to any one salaried official doing substantially the same class or grade of work during the base year, and that the aggregate amount paid as bonus in the said year after November 6, 1941, by the said employer to all salaried officials who were employed by him in the base year (excluding any amounts payable under clause (ii) hereof to the extent that they are in excess of the amount paid to the same officials in the base year) does not exceed the aggregate amount paid as bonus to the same salaried officials during the base year.

Nothing in this Order shall be deemed to limit the right of the Minister of National Revenue under the Income War Tax Act and The Excess Profits Tax Act, 1940, to disallow any portion of any salary, bonus, gratuity or share of profits as being an unreasonable and abnormal expense of the employer.

3. (a) Notwithstanding anything contained in paragraph 2 hereof, an increase in salary rate may be permitted if the employer establishes to the satisfaction of the Minister of National Revenue that the increase is commensurate with and is occasioned by a bona fide and reasonable promotion (on or after January 1, 1941) of a specific salaried official who has been given added responsibilities and increased duties, providing that the total salary including the increase is not higher than the level of salaries paid to salaried officials for similar services in like businesses, and provided that if the total salary, including the increase, is

(i) less than \$7,500 per year, such increase is reported on the prescribed form to the Minister of National Revenue within three months of the time of the first payment of the increase, and is approved by the Minister on or before the assessment of the income tax return of the employer for the year in which the increase was made, or

(ii) \$7,500 or over, such increase has been reported on the prescribed form and approved by the Minister of National Revenue before the payment of the increase.

(b) In case of a promotion or a new appointment to an established position taking place after November 6, 1941, in respect of which the employer in accordance with established policy does not grant the employee the full salary previously paid to the former incumbent of the position to which the employee is promoted or appointed, the Minister of National Revenue may, in the case of a promotion, authorize a temporary increase in salary and subsequently one further increase, provided that the total increase thereby effected will be within the limits set by the provision of sub-paragraph (a) of this paragraph, or, in the case of a new appointment, authorize a temporary salary and subsequently one increase in salary, provided that the increased rate of salary ultimately payable shall not be higher than the limit mentioned in sub-paragraph (b) of paragraph 2 of this Order.

(c) Notwithstanding paragraph 2 hereof, the Minister of National Revenue may permit an employer to increase the rate of salary paid to a salaried official who has on or after January 1, 1941, been newly appointed or promoted and who is receiving a probationary rate of salary which has not been increased beyond the first rate established on or after the appointment or promotion, provided that the new salary rate permitted by the Minister may not be higher than the rate paid by the employer to the former incumbent of the said position, or if there was no former incumbent, the new salary rate may not be higher than the rate of salary being paid for the same or substantially similar services in like businesses. No increase in salary permitted under this sub-paragraph shall be paid until the premission of the Minister has been obtained.

(d) After any increase in salary has been approved in accordance with sub-paragraphs (a), (b) or (c) of this paragraph and a new salary level so established, the provisions of this Order shall apply to the said salary level from the effective date of that increase as if it had been established at November 6, 1941.

4. Notwithstanding paragraph 2 hereof, any employer may, without specific approval of the Minister of National Revenue, pay a cost of living bonus not greater than an amount calculated in accordance with sub-paragraphs (a), (b), (c), (d) and (e) of this paragraph, and based on the cost of living index for the Dominion as a whole prepared by the Dominion Bureau of Statistics, to salaried officials receiving salaries of less than \$3,000 per year (excluding cost of living bonus), and any employer who is paying a cost of living bonus under the provisions of the Wartime Wages and Cost of Living Bonus Order to an employee regularly receiving wages in excess of \$3,000 per year (excluding cost of living bonus), may pay a cost of living bonus, determined in the manner herein provided, to a salaried official if the salary (excluding cost of living bonus) of the said official does not exceed \$4,200 per year, and provided that the total remuneration (including salary and cost of living bonus) of the said salaried official does not exceed the total remuneration (including wages and cost of living bonus) regularly paid by the said employer to an employee not above the rank of foreman or comparable rank and entitled to receive a cost of living bonus in accordance with the provisions of the Wartime Wages and Cost of Living Bonus Order.

- (a) If the payment of a cost of living bonus is commenced after the effective date of this Order, it shall not be payable in respect of any services rendered prior to February 15, 1942, and it shall reflect no more than the increase in the said index after October 1, 1941;
  - (b) If the salary rate payable to a salaried official on November 6, 1941, included a cost of living bonus determined in a manner consistent with sub-paragraphs (c) and (d) hereof, or pursuant to P.C. 7440 of December 16, 1940, there may be added to such bonus an amount based, in the manner herein provided, on the rise in the index number for October 1, 1941, above the most recent index number used to determine the then current amount of such bonus, and the total salary including such added amount of bonus shall be regarded, for the purposes of this Order, as the rate of salary in effect at November 6, 1941; and further amounts to be added to such bonus, in the manner hereinafter prescribed, shall not be based on any increase in the said index number prior to October 1, 1941, and shall not be payable in respect of any services rendered prior to February 15, 1942;
  - (c) The rise or fall in the index shall be measured in points, to the nearest  $\frac{1}{10}$  of one point, after the index has been adjusted to the base of 100 for August, 1939;
  - (d) For each rise of one point in the index, the amount of the bonus or the increase in the amount of the bonus, as the case may be, and for each fall of one point in the index the decrease in the amount of the bonus shall be twenty-five cents per week;
  - (e) The amount of the bonus may be re-determined every three months on the basis of the change in the cost of living shown by the index number for the immediately preceding month as compared with the index number on which the last previous change in the amount of bonus was based. The amount of the bonus shall not be changed unless the cost of living has changed one whole point or more. Employers shall be guided in determining whether the bonus may be changed by the announcement of the change, if any, in the index number as given by the National War Labour Board pursuant to The Wartime Wages and Cost of Living Bonus Order, being P.C. 8253, dated October 24, 1941.
5. (a) Notwithstanding paragraph 2 hereof, the Minister of National Revenue, if he is convinced that it is necessary in order to maintain the efficient production of war supplies, may permit an employer engaged in the production, repairing or servicing of munitions of war (as defined in the Department of Munitions and Supply Act) or ships, including merchant ships, to grant one increase of an amount approved by the Minister, in the rate of salary paid to
- (i) a salaried official who is a citizen of a country other than Canada and who is performing services in Canada requiring special technical or other special qualifications and experience;
  - (ii) a salaried official who was engaged at a probationary rate of salary on or after January 1, 1940, and prior to December 1, 1941;
  - (iii) a salaried official whose duties and responsibilities have been substantially increased, since his salary rate was established, by reason of new or additional production for war purposes in the plant, factory, firm or other production unit in which he is employed;
  - (iv) a salaried official whose rate of salary is unduly low in relation to the prevailing rate of salary generally payable for the same or substantially similar services in the same business or in comparable businesses, provided that the new salary rate established by the increase herein permitted shall not exceed the said prevailing rate.
- (b) Application for permission to pay an increased salary to a salaried official pursuant to the provisions of this paragraph shall be submitted by the employer to the Minister of National Revenue on the prescribed form, setting forth all the facts which in the opinion of the employer warrant the proposed salary adjustment. No payment of an increase in salary pursuant to the provisions of this paragraph, or on account thereof shall be made to a salaried official until notification has been received by the employer from the Minister stating that an increase in salary has been approved and the amount thereof. The decision of the Minister as to whether an increase in salary is to be permitted under the terms of this paragraph, and as to the amount thereof, shall be final and conclusive.

6. Any employer, or his officer or agent, who pays or contracts to pay a salaried official a salary in violation of any provision of this Order or contravenes or fails to observe any of the provisions hereof shall be guilty of an offence and liable on summary conviction to a fine of not less than \$100 nor more than \$5,000, for each such violation, contravention or failure.

7. The amount of any salary, found by the Minister of National Revenue to have been paid in excess of the amounts permitted by this Order or to have been paid in violation of this Order, shall be deemed to be an unreasonable and abnormal expense of the employer for all purposes including the purposes of the Income War Tax Act and The Excess Profits Tax Act 1940, and pursuant to subsection (2) of Section 6 of the Income War Tax Act and Section 8 (b) of The Excess Profits Tax Act 1940, such amount shall be disallowed as an expense of the employer in assessing the employer's profits subject to taxation under the said Acts.

8. Nothing in this Order shall be deemed to limit the discretionary power of the Minister of National Revenue as provided for in the Income War Tax Act or The Excess Profits Tax Act 1940 and, more particularly, the power of the said Minister to determine whether a salary or rate of salary, whether paid or payable prior to or subsequent to the effective date of this Order, was reasonable and normal for the business, for purposes of assessment under the said Acts.

9. No agreement providing for an increase in the rate of salary above the rate payable at November 6, 1941, shall be enforceable in respect of such increase except and to the extent that such increase is within the amount that may be permitted by paragraphs 3 or 4 hereof, and no action shall lie against any person for breach of contract for complying with the provisions of this Order or for refusing to pay any salary in excess of the amount permitted by this Order.

10. The Minister of National Revenue with the approval of the Governor in Council may make such regulations in furtherance of the provisions of this Order as may be required for carrying this Order into effect and in particular, but not so as to limit the generality of the foregoing, he may provide by regulation for the determination of the persons to whom this Order is applicable with a view to ensuring that salaried officials not subject to the War-time Wages and Cost of Living Bonus Order, P.C. 8253, dated October 24, 1941, will be subject to this Order.\*

11. This Order shall be effective at and after midnight of November 6, 1941.

[By P.C. 71/9823, Dec. 17, 1941, the Commissioner of Income Tax was appointed Salaries Controller with authority to exercise such of the powers which were conferred on the Minister of National Revenue by the Wartime Salaries Order as the Minister might delegate to him.]

\* No regulations issued.

## Wages and Hours on Government Contracts

### Suspension of Hours Limitations on Certain Defence Projects

P.C. 3947, Aug. 15, 1940.—Whereas the Minister of Labour reports that, in order to provide accommodation and training facilities for men who will be called for training in pursuance of The National Resources Mobilization Act, 1940, and for personnel of The Canadian Active Service Force, the construction of a large number of buildings at each of the Training Centres to be established, and elsewhere is urgently necessary;

That in order to have these buildings and other facilities available at the time when they will be required, it is necessary that construction be expedited to the fullest possible extent, and that the working hours of the persons employed on such construction be not subject to the limitations set out in paragraph (b), sub-section (1) of Section 3 of The Fair Wages and Hours of Labour Act, 1935, Chapter 39 of the Statutes of Canada, 1935.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and pursuant to the provisions of paragraph (b), sub-section (1) of Section 3 of the said Fair Wages and Hours of Labour Act, 1935, and under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, is hereby pleased to order, and to provide as a special case, that the provisions of the said paragraph (b), sub-section (1) of Section 3 of The Fair Wages and Hours of Labour Act, 1935, shall not apply to persons employed on the construction of the buildings and Defence Projects to be constructed at the several places set out in the Schedule hereto annexed and at such other places as may be designated by the Minister of National Defence as locations for Training Centres or troop concentrations.

[Schedule omitted.]

## Enforcement of Wage Schedules for Public Works

P.C. 6801, Nov. 23, 1940.—Whereas the Minister of Labour reports that it is deemed necessary to make provision by regulation for the procedure to be followed to enforce the payment of fair wages in connection with Government contracts under the Fair Wages and Hours of Labour Act (Chapter 39 of the Statutes of Canada, 1935).

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, and under the provisions of Section 6 of the Fair Wages and Hours of Labour Act (Chapter 39, Statutes of Canada, 1935), is pleased to make the following regulations and they are hereby made and established accordingly:

1. The Deputy Minister of Labour shall be responsible for the investigation of all claims for the payment of wages at the rates set out in the fair wage schedule embodied in Government contracts and in any case where the actual rates have been less than the rates so set out in the fair wage schedule he shall ascertain the difference between the amounts actually paid to employees and the amounts which they would have received had they been paid at the rates set out in the fair wage schedule.

2. The contractor shall deliver to the Deputy Minister of Labour a cheque payable to the Receiver General of Canada for the total amount of differences ascertained under regulation No. 1, or if settlement has not yet been made with the contractor concerned, then the Department of Government concerned with the contract shall withhold payment of such amount from the contractor and shall deliver to the Deputy Minister of Labour a cheque in the required amount payable to the Receiver General of Canada.

3. The amounts so collected or deducted from contractors and/or other Departments of Government shall be paid to the Receiver General of Canada to be deposited in an account, known as the Fair Wages Suspense Account. In settlement of all claims of individual workers the Deputy Minister of Labour shall authorize the issue of cheques in the appropriate amount in the name of the worker concerned, these cheques to be charged to the Fair Wages Suspense Account.

4. The Deputy Minister of Labour shall endeavour to ensure the safe delivery of these cheques to the workers concerned.

5. In cases where Departments other than that of Labour have occasion through de-

fault by the contractor to seize his security and pay off claims direct for wages, then any unclaimed cheques for payment of such wages shall be delivered to the Deputy Minister of Labour with all relevant information concerning each case to be deposited in the Fair Wages Suspense Account.

6. It shall be the responsibility of the Deputy Minister of Labour to maintain adequate records of receipts and disbursements connected with both funds referred to above.

## Minimum Wages for Manufacture of Supplies\*

P.C. 7679, Oct. 4, 1941.—Whereas the Minister of Labour reports that it is necessary in the interests of industrial peace and the furtherance of the war effort to make more effective provision for the payment of minimum wage rates by contractors and subcontractors engaged in the manufacture of supplies for the Government of Canada;

And whereas the Minister of Labour, after consultation with the provincial Ministers of Labour and with the concurrence of the Minister of Munitions and Supply and the Labour Co-ordination Committee, recommends that Order in Council dated 30th May, 1941 (P.C. 3884), be rescinded and a new Order made, as hereinafter set forth;

Now therefore, His Excellency the Governor General in Council is pleased to revoke Order in Council P.C. 3884 of 30th May, 1941, and it is hereby revoked, effective October 15, 1941.

His Excellency in Council, under and by virtue of the War Measures Act (Chapter 206, R.S.C. 1927), is further pleased to order and doth hereby order as follows:

1. As used in this order, unless the context otherwise requires,

- (a) "Minister" means the Minister of Labour or his duly authorized representative.
- (b) "Contractor" means any person, firm, or corporation manufacturing munitions of war or products of any nature under any contract, including contracts entered into prior to and still in force on the effective date of this order, with the Government of Canada, or any agency thereof, whether in its own behalf or on behalf of any other Government or agency thereof.

\* See p. 20 for provisions for enforcement of these rates (P.C. 1774).

- (c) "Subcontractor" means any person, firm, or corporation to whom any part of the work of any such contract is sublet directly or indirectly.
- (d) "Establishment" means any premises in which any part of the work of any such contract is performed.

2. No contractor or subcontractor shall employ any person, other than an apprentice being trained under an approved long term indenture or other formal written agreement or a handicapped worker employed under special permit issued by the Minister, in any establishment at less than the following minimum wage rates:

- (a) For male employees eighteen years of age or over, except with respect to beginners as hereinafter provided, and for any employee regardless of sex or age who holds a certificate of graduation from a recognized pre-employment school under Canada's War Emergency Training Program and is employed in the work for which trained, 35 cents an hour;
- (b) For female employees eighteen years of age or over, except with respect to beginners as hereinafter provided, 25 cents an hour;
- (c) For male or female employees less than eighteen years of age, 20 cents an hour;
- (d) For male beginners without previous experience in the trade or industry,
  - 20 cents an hour for the 1st 4 weeks of employment,
  - 25 cents an hour for the 2nd 4 weeks of employment,
  - 30 cents an hour for the 3rd 4 weeks of employment, and
  - 35 cents an hour thereafter;
- (e) For female beginners without previous experience in the trade or industry
  - 20c. an hour for the 1st 4 weeks of employment, and
  - 25c. an hour thereafter.

3. No contractor or subcontractor shall at any time, except by written permission of the Minister, employ more than twenty per cent of the total number of employees in any establishment at the beginners' rates provided in subsections 2(d) and 2(e) hereof.

4. For the purpose of determining the minimum wage rate of any beginner pursuant to subsections 2(d) and 2(e) hereof, any period

of training which such beginner attended of less than eight weeks under Canada's War Emergency Training Program certified by the director of the school or training centre shall be counted as an equivalent period of employment.

5. If the Minister finds that any contractor or subcontractor has employed any person at less than the applicable minimum wage rate herein prescribed or has otherwise failed to pay all wages properly payable, he shall determine the amount of wages payable but unpaid and, unless the contractor or subcontractor on demand delivers a cheque payable to the Receiver General of Canada for the full amount so determined, shall notify the department or agency of the government concerned with the contract, which shall withhold payment of such amount from the contractor and shall deliver a cheque for the required amount to the Deputy Minister of Labour for the settlement of claims for such wages in the same manner as provided by the Regulations made by Order in Council dated 25th November, 1940 (P.C. 6801).

- 6. (a) Every contractor and subcontractor shall keep in his establishment a true and correct record of the wages paid to and the hours worked each day by each of his employees, together with a register of the names, addresses and ages, if under twenty-one years, of all his employees.
- (b) Every contractor and subcontractor shall furnish such returns showing the number of employees, wage rates, hours of labour and related matters as the Minister may prescribe.
- (c) Every contractor and subcontractor shall post and keep posted conspicuously in his establishment such placards about wage rates and related matters as the Minister may prescribe.

7. Any contractor or subcontractor, or officer or agent thereof, who fails to comply with any regulation so made or with any provision of this order shall be guilty of an offence and liable on summary conviction to a fine of not more than \$200 for the first offence, and not less than \$500 or more than \$1,000 for the second offence, and not less than \$1,000 for any subsequent offence.

8. This order shall come into force and have effect on, from and after the fifteenth day of October, one thousand nine hundred and forty-one.

## Health of Workers and Workmen's Compensation\*

### Health of Workers in Plants with Government Contracts

P.C. 1550, Mar. 2, 1942.—Whereas under Section 9 of the Department of Pensions and National Health Act, the duties and powers of the Minister of that Department shall extend to and include all matters and questions relating to the promotion or preservation of the health of the people of Canada over which the Parliament of Canada has jurisdiction;

And whereas during times of peace, the duties and functions of the Department, in so far as they concern the health of persons engaged in industry, consisted mainly in co-operation with Provincial, territorial and other health authorities;

And whereas in time of war, the said duties and functions have become greatly extended by reason of an undertaking required to be given by contractors with the Government of the Dominion of Canada and with other governments to provide sanitary and medical supervision, supplies, records and services to the satisfaction of the Minister and by reason, further, of the large number of factories now otherwise engaged in war industry;

And whereas it is recognized that a high standard of health among the workers who are engaged in war industry will directly increase the war effort of the Allied Powers;

And whereas it is deemed advisable that the duties and powers of the officers of the Department of Pensions and National Health in relation to persons who are engaged in war industry be clearly defined.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Pensions and National Health and the Minister of Munitions and Supply, and under the authority of the War Measures Act, Chapter 206, R.S.C. 1927, and of the Department of Pensions and National Health Act, Chapter 39 of the Statutes of Canada, 1928, and notwithstanding anything contained in any other regulation or statute, is pleased to make the following regulations and they are hereby made and established accordingly:—

(1) In these regulations, unless the context otherwise requires,

- (a) "Department" means the Department of Pensions and National Health.
- (b) "Minister" means the Minister of Pensions and National Health.
- (c) "Person" includes a body corporate or politic, a firm, a partnership or association.

(d) "War Contract Premises" shall mean and include,

(i) Any factory, plant, shop or other similar place in which any work is being or is intended to be carried on by any person under a contract made with the Government of the Dominion of Canada, the Government of any other part of His Majesty's dominions or with the Government of any other Power allied or associated with the Government of the Dominion of Canada in the prosecution of the present war or under a contract made with two or more of said governments, or with any other person having a contract with said governments or any one of them for the doing of work or the supplying of goods for war purposes.

(ii) Any factory, plant, shop or other similar place in which is being carried on any work which is or has been authorized or let by any of said governments and for which the said governments or any of them are or is under obligation to pay.

(iii) Any factory, plant, shop or other similar place in which goods are being produced, manufactured, treated or otherwise dealt with under any direct or indirect contract with any of the said governments for payment of the value of said goods or the cost of said other operations, or with respect to which goods or with respect to their being dealt with as aforesaid any payment is being or has been made by said government to any person concerned in the production, manufacture, treatment or other dealing in same.

(iv) Any factory, plant, shop or other similar place in which the Government of Canada or any of the hereinbefore mentioned governments is directly or indirectly, through control of companies or other agencies or otherwise, carrying on or has any financial interest in work incidental to the prosecution of the said war or manufacturing, producing or otherwise dealing in or with supplies for war purposes.

(2) The Minister, or any officer of the Department authorized by him in writing, may, at any time, enter, examine and inspect any war contract premises, and examine and inspect all equipment and appurtenances relating thereto and all employment or other records whatsoever relating to the business carried on or to be carried on within or about the pre-

\* See p. 44 for workmen's compensation for trainees under War Emergency Training Program.

mises, and the person or persons having the custody, possession or control of such premises, equipment and appurtenances or records shall permit the Minister, or officer so authorized as aforesaid, to enter such premises and to make such examination or inspection.

(3) The Minister may by order in writing require the owner of any war contract premises or any person who, as a party to any contract with any of the governments enumerated in paragraph (i) of subsection (d) of Section 1 hereof, is carrying on therein or thereon any work or producing any goods relating to such contract, or any person who may be so carrying on work or producing goods under a contract with any government as aforesaid or all or any of such persons

- (a) to maintain a record of sickness and accidents according to the Standard Morbidity Code for Canada and to keep said records available for inspection by the Department at any time;
- (b) to permit the display of posters authorized by the Minister and to permit the distribution of similarly authorized health and safety literature to and among the employees on the premises;
- (c) to keep the said war contract premises at all times in a clean, sanitary condition and provide lighting, heating, ventilation, water and toilet facilities satisfactory to the Minister;
- (d) to provide medical, surgical, nursing and preventive services to the satisfaction of the Minister;
- (e) to satisfy the nutritional or other standards specified by the Minister with respect to any foods which are or may be provided on the said war contract premises for the employees either by the owner of said premises or by any other person required by law or contract to provide said foods;
- (f) to permit a regular physical examination or such examinations at any time of all persons whose duties include the preparation or serving of such foods as are referred to in paragraph (e) above, said examination to be carried out by a medical practitioner provided for under paragraph (d) above or by a medical officer of the Department.

(4) It shall be the duty of the owner of any war contract premises to be constructed, extended or altered, to submit on request of the Department, plans and specifications thereof sufficient to show clearly all provision for water supply, sewage system, ventilation system

and such other information and particulars as may be required by the Department relating to health or safety conditions.

(5) Every person who contravenes or fails to comply with any of these Regulations or any order or direction made or given under any of these Regulations shall be guilty of an offence against that Regulation and shall be liable upon summary conviction to a penalty not exceeding five hundred dollars, or to imprisonment for any term not exceeding three months or to both fine and imprisonment.

(6) Where the person guilty of an offence against any of these Regulations is a company or corporation, every person who at the time of the commission of the offence was a director or officer of the company or corporation shall be guilty of the like offence unless he proves that the act or omission constituting the offence took place without his knowledge or consent, or that he exercised all due diligence to prevent the commission of such offence.

#### **Workmen's Compensation in Government-Owned War Plants**

[P.C. 1913, Apr. 22, 1941, provides for the administration of the Government Employees Compensation Act in regard to

certain employees of the Department of Munitions and Supply, Allied War Supplies Corporation, and certain other companies, corporations and agencies engaged in producing, dealing in, storing or having control of munitions of war or supplies, or constructing or carrying out any defence project, within the meaning of the Department of Munitions and Supply Act as agent of His Majesty in right of the Government of the United Kingdom and/or the Government of Canada, and under the supervision of the said department and/or Allied War Supplies Corporation.

The cost of the scheme is charged against the allotments of war appropriations for defence projects and its administration is under the immediate supervision of the officer in charge of the Employees' Compensation Branch of the Department of Transport. A procedure is set forth for the settlement of claims through the agency of the provincial Workmen's Compensation authorities.

[Most of the firms whose employees come within the Act were deemed to be within it by the Department of Justice. In a number of cases, however, it was ruled that the firms concerned were not under the Act, and since it was deemed desirable to include them they were brought under by order-in-council.]

## Labour Supply

### Interdepartmental Committee on Labour Co-ordination

P.C. 5922, Oct. 25, 1940, amended by P.C. 1426, Feb. 24, 1942.—Whereas the Minister of Labour reports that several branches of the Dominion Government as well as of the Provincial Governments have jurisdiction in matters affecting labour as related to the war effort;

That this divided responsibility makes prompt and co-ordinated action difficult; and

That unless unified planning and co-ordination in the work of the various agencies are secured, effort to deal effectively with the matters affecting labour will be seriously hampered, especially as the problems involved become more acute.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, concurred in by the Minister of Munitions and Supply and the Minister of National Defence, is hereby pleased to order as follows:—

1. There shall be an inter-departmental committee on labour co-ordination which shall be charged with the planning and co-ordination of the functions and activities of the various government agencies in relation to matters affecting labour;

2. The committee shall consist of: [the Deputy Minister of Labour as Chairman, and one representative each of the Departments of Finance, National Defence, National War Services, and Munitions and Supply.\*]

3. It shall be the duty of the committee

- (a) To promote co-ordination of the functions and activities of all government agencies in relation to matters affecting labour and to obtain the co-operation of provincial governments;
- (b) To anticipate, as far as possible, the labour and manpower requirements of the war programme as a whole, and to recommend to the various departments having to do with these matters the most effective ways and means of meeting such requirements;
- (c) To consider the needs of the war programme with respect to training employees in industry, in technical schools or otherwise, and to recommend such further provision as may be deemed advisable;
- (d) To maintain close and direct contact with industries engaged on war contracts and, in co-operation with the Department of Munitions and Supply,

to assist them in meeting their labour requirements;

- (e) To formulate a plan whereby competition between employers engaged on the war programme may be eliminated;
- (f) To formulate a plan whereby employees and employers may be transferred from non-essential to essential war industries with the least possible disruption; and
- (g) To report from time to time as may be necessary to a committee of the cabinet on labour supply, consisting of the Minister of Labour as Chairman, the Minister of Munitions and Supply, the Minister of National Defence, the Minister of Finance, and the Minister of National War Services.

4. The Minister of Labour is hereby authorized with the concurrence of such other minister or ministers as may be concerned, to fill any vacancy on the committee and to make such further appointments thereto as he may deem advisable. (P.C. 1426).

### Administration of National Selective Service Program

P.C. 2254, Mar. 21, 1942.—Whereas the Minister of National War Services and the Acting Minister of Labour report that it is essential for the development and administration of a program of National Selective Service to appoint a Director of National Selective Service and to establish machinery for co-ordination between the departments of government concerned and consultation with representatives of employers and employees;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National War Services and the Acting Minister of Labour, and under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, and the National Resources Mobilization Act, 1940, Chapter 13 of the Statutes of Canada, 1940, is pleased to make, and doth hereby make the following Order:—

1. There shall be an officer who shall be called the Director of National Selective Service and an officer who shall be called the Associate Director of National Selective Service, to be appointed by the Governor General in Council, and who shall hold office during pleasure.

2. It shall be the duty of the Director of National Selective Service, with the assistance of the Associate Director of National Selective Service, to co-ordinate the policies and activities of the departments and agencies

\* See s. 3 of P.C. 2254 (p. 33).

of the Government of Canada which affect or relate to the demand for and the supply of labour requisite to the prosecution of the war in all its phases, to make such recommendations as he deems necessary in connection therewith, and generally to perform such other duties as the Governor in Council may direct.

3. The representatives of employers and employees on the Executive Committee of the National War Labour Board are hereby appointed as members of the Interdepartmental Committee on Labour Co-ordination and the said Committee shall of its own initiative or on request of the Director of National Selective Service, advise him about any matter relating to the development and administration of the program of National Selective Service.

4. (1) There is hereby established a National Selective Service Advisory Board which shall consist of the members of the Interdepartmental Committee on Labour Co-ordination and the members of the National War Labour Board and such other members as the Minister of Labour may designate, and of which the Minister of Labour shall be chairman.

(2) It shall be the duty of the Director of National Selective Service to consult the National Selective Service Advisory Board, and of the said Board to advise the Director, on any matter of major policy affecting employers and employees before any recommendation in connection therewith is made.

5. (1) The Director of National Selective Service shall appoint or designate an officer, to be known as the National Selective Service Officer, for each area assigned by the Unemployment Insurance Commission to a local employment and claims office, who shall act as the representative of the Director in such area.

(2) The Governor in Council may appoint such other officers, clerks and other employees as may be necessary to carry out the duties assigned to the Director of National Selective Service.

6. The Director of National Selective Service, the Associate Director of National Selective Service, and such other officers, clerks and other employees as may be appointed hereunder shall receive such remuneration as the Governor in Council may fix.

[By P.C. 2301, Mar. 23, 1942, E. M. Little was appointed Director of National Selective Service, and Paul Goulet, Associate Director.]

#### Man-power Inventory

P.C. 1445, Mar. 2, 1942.—Whereas the Minister of Labour reports that an essential prerequisite for the effective utilization of

Canada's labour supply in the war effort, through improvement of industrial recruiting, training, transfer, and placements, is the establishment and maintenance of an inventory of employable persons; and,

That the Department of Labour, with the co-operation of the Unemployment Insurance Commission and the Dominion Bureau of Statistics, has experimented in establishing a partial inventory of over two million employees insured under the Unemployment Insurance Act, has classified them by location, occupation, employer, sex and age, and has determined that it is feasible to establish and maintain such an inventory on any necessary scale.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, and under authority of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, and the National Resources Mobilization Act, Chapter 13 of the Statutes of Canada, 1940, is pleased to order and doth hereby order as follows,—

1. The Minister of Labour is hereby authorized and directed to establish and maintain an inventory of employable persons and for this purpose is hereby empowered:

- (a) by public notice or otherwise to direct any person or class of persons to register in such manner and at such times and places as he may prescribe and to direct any employer or class of employers to maintain such records about their employees and to furnish such reports thereon as he may prescribe; and
- (b) to direct the Unemployment Insurance Commission to obtain and furnish such information about employers subject to the Unemployment Insurance Act and such information about their employees, whether or not insurable, as he may prescribe.

2. Any person who refuses, fails or neglects to comply with any direction given by the Minister of Labour or his duly authorized representative pursuant to the provisions of this order shall be guilty of an offence and liable on summary conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

3. The Dominion Bureau of Statistics and all other departments and agencies of the Government of Canada are hereby authorized and directed to furnish such assistance to the Minister of Labour in the establishment and maintenance of the aforesaid inventory of employable persons and in estimating and forecasting the labour requirements of the armed services and industry, as he may require.

[P.C. 1955, Mar. 13, 1942, is designed to enable the Unemployment Insurance Commission to provide information required by the Minister of Labour in establishing a manpower inventory. It requires employers employing one or more persons in insurable employment to register all their workers, whether engaged in insurable employment or not, on forms provided by the Commission. Forms in respect of workers whom the employer believes will be in his employment on April 1, are to be returned to the local employment and claims office not later than that date, and those in respect of workers engaged after that date are to be returned at the time of engagement. The penalty for refusal or failure to comply with any direction given by the Commission or its duly authorized officer is a fine not exceeding \$200 and/or imprisonment not exceeding three months.]

[P.C. 2253, Mar. 21, 1942, provides for the correlation of the manpower inventory with the information already secured as a result of the national registration of persons in Canada over 16 which was set up in Aug., 1940, and has been continued by the National Registration Division of the Department of National War Services under authority of P.C. 3156, July 12, 1940, as amended. The duties and powers in this matter which were vested in the Minister of National War Services are transferred to the Minister of Labour, and the personnel and records of the National Registration Division of the Department of National War Services are transferred to the Department of Labour. Such information as may be required by the Minister of National War Services to enable to carry out the National War Services Regulations 1940 (Recruits) is to be made available to him. If a Government Department or any person or group of persons has power by virtue of any Act or Order in Council, to obtain information on matters on which the Minister of Labour has power to obtain information under P.C. 1445, that power must be exercised for the purpose of assisting the Minister if he so requires, and any information already obtained may be furnished to him. Expenditures incurred under P.C. 1445 or this order will be paid out of money provided by the War Appropriation Act or otherwise by Parliament.]

#### **Deferment of Military Training of Skilled Workers**

[P.C. 1822, Mar. 18, 1941, establishes the National War Services Regulations, 1940 (Recruits) (Consolidation 1941), which relate to compulsory military training. The regu-

lations are administered by the Minister of National War Services, and the country is divided into Administrative Divisions over which are placed Divisional Registrars. Every male British subject who is or has been at any time subsequent to Sept. 1, 1939, ordinarily resident in Canada while he is of the age of 21 to 45 years inclusive, and who on July 15, 1940, was unmarried or widower without children, shall, during the continuation of the war, be subject to military training for such periods as are fixed by proclamation, provided that he has not reached the age of 46. The Governor in Council may, by proclamation, call out any age classes, class or part of any class of men who are liable for training. After a proclamation has been issued the Minister may instruct a Divisional Registrar to select the number of men needed from his Administrative Division, and the Registrar shall notify the men so selected to appear for medical examination, and if medically fit to report for training.

[Applications for advancement or postponement of training may be made to the National War Services Boards, of which there is one or more in each Administrative Division. The Board may, in accordance with the regulations, issue to the Divisional Registrar postponement orders regarding key-men and men wholly or mainly employed in agriculture. A key-man is "any man employed by a war industry whose occupation, in the opinion of the Board, may not, for the time being, be interrupted without causing serious loss of effectiveness to his employer's activity." Agriculture means "the production of field crops, fruits, vegetables, honey, poultry, eggs, live stock, milk, butter or cheese," and a person wholly or mainly employed in agriculture is one who was so employed on March 23, 1942, including one who was engaged seasonally in a primary industry but whose immediately preceding employment was wholly or mainly in agriculture. A primary industry is lumbering and logging (except any saw mill, planing mill, shingle mill or wood-processing plant which in the opinion of the Minister of Labour is reasonably continuous in its operations), forestry, fishing and trapping.

[Amendments have been made in the sections dealing with the National War Services Boards and with the postponement of training by P.C. 7680, Oct. 4, 1941, P.C. 949, Feb. 7, 1942, and P.C. 2252, Mar. 21, 1942.]

8. (1) The Governor in Council may establish one or more Boards in each Administrative Division and appoint the members thereof.

(2) Each Board shall consist of three members, one of whom shall be a Judge of a Superior or other Court of the Province in which the larger part of the Administrative Division is situated and the Judge aforesaid shall be the Chairman of the Board. Two members of the Board shall constitute a quorum. In the absence of any member of a Board appointed by the Governor in Council under these Regulations, the Minister may appoint an *ad hoc* member to act for the duration of such absence. (Amended P.C. 7680).

(3) The decision of the majority of the Board shall be final and conclusive.

(4) A Board, subject to the approval of the Minister, may make rules not inconsistent with these regulations for its guidance and to govern its procedure: Provided that at the hearing of all applications made to a Board, a representative of the Department of National Defence, a representative of the National War Labour Board, a representative of Agriculture and a representative of the Director of National Selective Service shall be entitled to be present and to make such representations as they may deem fit. . . . (Amended, P.C. 949, P.C. 2252.)

(7) No member of a Board shall be responsible at law for anything done by him in good faith in the performance of his duties under these regulations, and no action shall be taken against any member of a Board in respect of the performance or non-performance of his duties under these regulations.

(8) No proceeding authorized or pending before a Board and no decision of a Board shall, by means of an injunction, prohibition, *mandamus*, *certiorari*, *habeas corpus* or other process, issuing out of court, be enjoined, restrained, stayed, removed or subjected to review or consideration on any ground whether arising out of alleged absence of jurisdiction in a Board, nullity, defect or irregularity of the proceedings or any other cause whatsoever, nor shall any such proceedings or decision be questioned, reviewed or reconsidered.

(9) A Board, or a member of a Board, a Judge or a Magistrate, if so authorized by a Board, may, in connection with proceedings pending before the Board, take evidence on oath or affirmation and may summon persons to attend for the purposes of giving evidence.

10. (1) No application for a postponement order may be made otherwise than in writing, by the man called out, to the Divisional Registrar who issued the "Notice—Medical Examination" and within eight clear days of the date appearing on such notice. The . . .

man's employer if he applies under sec. 14 or 15 of these Regulations, may support the man's application in writing to the Divisional Registrar concerned within eight clear days of the date appearing on such "Notice—Medical Examination." (Amended, P.C. 7680).

(2) Any person who appears before a Board shall do so at his own expense.

#### *Seasonal and Essential Occupations.*

14. (1) When considering any application made in accordance with sec. 10 hereof, the Board before which the application is made shall have power to grant an advancement or postponement order when it is of the opinion that it is in the national interest to do so and, in granting such order, the Board shall state the reasons for such opinion. No postponement order may be made for more than six months but upon reviewing the application, the Board may grant one or more extensions; Provided that the Board may cancel the order at any time for military reasons or for cause. Provided further that there shall be no exemption and no indefinite postponement of military training service. (P.C. 7680.)

(2) When considering an application for postponement order by a man engaged in farming, fishing, lumbering, trapping, mining, placer mining, gold prospecting, seafaring, railroad transportation, public utility, or engaged in an occupation which the Minister has declared to be a seasonal occupation or one essential to the successful prosecution of the war or in the national interest, the Board shall take into account the supply of labour available and the importance of the particular applicant's occupation to the national economy. (P.C. 7680).

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, the Board shall, from time to time upon the application of a person wholly or mainly employed in agriculture, grant him a postponement order until further notice, unless it is established to the satisfaction of the Board that such person is not an essential worker in agriculture or that such person has at any time subsequent to the 23rd day of March, 1942, ceased to be actually employed or engaged in agriculture or in a primary industry, and such postponement order shall be an allocation of such person to agriculture: Provided that such postponement and allocation shall be subject to review and cancellation by the Board if it is brought to the attention of the Board by any of the representatives referred to in sections 8 and 16 of these Regulations and the Board is satisfied, after hearing the persons concerned, that such person has at any time

subsequent to the 23rd day of March, 1942, ceased to be actually employed or engaged in agriculture or in a primary industry. (P.C. 2252.)

#### *Employees of Manufacturers and Others*

15. (1) From time to time, the Minister may furnish to Boards lists of industrial or servicing activities deemed to be essential to the successful prosecution of the war, and an employer engaged in any activity so listed shall be termed a "war industry" and the Minister may add to or remove from such lists any activity.

(2) Any war industry or other employer, including the Dominion Government, the Provincial Governments and Municipal Corporations may submit, at any time, for consideration by the Board, a plan for the advancement or postponement of the military training of any group of his employees.

(3) Any employer may, within the eight clear days specified in subsec. one of sec. ten of these regulations, support the application for an advancement or postponement order made by any key-man or other of his employees.

16. (1) All hearings of the Boards shall be in camera, and no person shall be entitled to be represented by counsel, advocate or solicitor: Provided that at hearings of the Board the representative of the Department of National Defence, the representative of the National War Labour Board, the representative of Agriculture and the representative of the Director of National Selective Service shall be entitled to make such representations as they may deem fit. (Amended P.C. 2252.)

(2) The Board shall consider all applications and the decision of the Board shall be final and conclusive and binding upon all concerned.

(3) Except for urgent or exceptional reasons the Board shall not grant postponement orders later than fourteen days before the date of the beginning of the next military training period. (P.C. 7680.)

[P.C. 1910, Mar. 18, 1941, establishes the Reserve Army (Special) Regulations 1941, which define the military status, etc, of men called up for compulsory training. Under an amending order, P.C. 1916, Mar. 12, 1942, a new section 23 was inserted in the regulations.

[A distinction is made between an 'A. Recruit' and an 'R. Recruit'. The former is a person who has engaged to serve on active service, has been taken on the strength of a corps of the Canadian Militia which has been

placed on active service, and is undergoing training. An 'R. Recruit' is a person called out for training pursuant to the National Resources Mobilization Act, who has been taken on the strength of a corps of the Active Militia which has not been placed on active service, or who is attached for training to a Basic or Advanced Training Centre.]

23 (a) A man called out for training in pursuance of the National War Services Regulations 1940 (Recruits), and amendments thereto may make application at any time within three months after having been enrolled and after having commenced training as an 'R. Recruit' for leave of absence (without pay or allowances or provision of transportation at public expense) from training, service or duty, and subject to these Regulations may be granted such leave of absence upon such circumstances, reasons or grounds being established as would have entitled him when called out *ab initio* to postponement of the commencement of his training by reason of the provisions of Sections 14 and 15 of the National War Services Regulations 1940 (Recruits) and amendments thereto. . . . (P.C. 1916.)

(b) The man desiring such leave must first apply in writing to his Officer Commanding. The application, showing the reasons and facts upon which it is based, together with statements corroborating the facts, will be made by statutory declaration or attestation under oath, and will be transmitted with the recommendation of the Officer Commanding to the District Officer Commanding, who may forward the same, with whatever recommendation or representation he may see fit to make, to the appropriate National War Services Board. The Board may investigate the case, and after review or hearing thereof shall make recommendation to the District Officer Commanding. On receiving the recommendation of the Board, the District Officer Commanding will grant leave for the period recommended by the Board, except that whenever the exigencies of the military situation require that leave be curtailed or refused, he may refer the Board's recommendation to National Defence Headquarters for final decision. (P.C. 1916.)

(c) National War Services Boards are authorized and empowered to investigate, review and/or hear applications as aforesaid, and in addition such applications for leave on similar grounds for active personnel of the Canadian Army and members H.D. of the Canadian Army as may be specially authorized by the Adjutant-General for reference to the said Boards. In each case so invest-

igated, reviewed or heard, a recommendation by the Board shall be made to the District Officer Commanding. (P.C. 1916).

(d) Whenever the soldier may appear before the Board on the hearing of his case, it will be entirely at his own cost and expense. (P.C. 1916).

(e) The Minister of Defence may from time to time issue, or cause to be issued, instructions governing the application for, and the granting of such leave. (P.C. 1916).

### **Restriction on Entry into Certain Occupations**

P.C. 2250, Mar. 21, 1942.—Whereas the Minister of National War Services and the Acting Minister of Labour report that there is a growing scarcity of men available for service in His Majesty's armed forces and for employment in the war industries and that it is necessary for the effective prosecution of the war to take steps to restrict the entry of men who are of military age and physically fit for service with the armed forces into certain occupations which are relatively unessential or can be satisfactorily filled by women or men who are beyond military age or are physically unfit for service with the armed forces;

Therefore His Excellency the Governor General in Council on the recommendation of the Minister of National War Services and the Acting Minister of Labour and under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, and The National Resources Mobilization Act, 1940, Chapter 13 of the Statutes of Canada, 1940, is pleased to make and doth hereby make the following order:

#### **ORDER**

1. In this Order, unless the context otherwise requires:

- (a) "Administrative Division" means an administrative territorial division established under the National War Services Regulations, 1940 (Recruits);
- (b) "Applicant" means any person who has applied to a National Selective Service Officer for permission to enter into employment in a restricted occupation;
- (c) "Director of National Selective Service" means the person appointed as such by the Governor in Council;
- (d) "National Selective Service Officer" means, in respect of any applicant, the person appointed as such by the

Director of National Selective Service for the area in which such applicant resides;

- (e) "Appeal Board" means, in respect of any applicant, the National War Services Board established under the National War Services Regulations, 1940 (Recruits) for the Administrative Division or part thereof in which such applicant resides;
- (f) "Divisional Registrar" means, for any Administrative Division, the Registrar appointed for such Division under the National War Services Regulations 1940 (Recruits);
- (g) "Restricted occupation" means any occupation described in the schedule to this Order.

2. (1) No male person shall enter into employment in any restricted occupation and no person shall take any male person into employment in any restricted occupation unless such male person has obtained written permission from the National Selective Service Officer to accept such employment or presents to the prospective employer

- (a) a birth certificate or other evidence that he is not of the ages of seventeen years to forty-five years inclusive; or
- (b) a certificate of honourable discharge from service in one of His Majesty's armed forces; or
- (c) evidence that he has applied for active service in one of His Majesty's armed forces during the present war and of having been rejected because of physical unfitness.

(2) Any person may apply to the National Selective Service Officer for permission to enter into employment in a restricted occupation and such National Selective Service Officer may grant or refuse such permission.

(3) A National Selective Service Officer may at any time revoke any permission granted by him.

3. The Director of National Selective Service may issue instructions

- (a) prescribing the matters to be considered by National Selective Service Officers in granting or refusing or revoking permission to enter into employment in a restricted occupation, and
- (b) prescribing the conditions which may be imposed by National Selective Service Officers in granting such permission.

4. If any question arises as to whether an employment is in a restricted occupation, such

question shall be decided by the Director of National Selective Service and his decision thereon shall be final and conclusive.

5. (1) In any case where a National Selective Service Officer has granted, refused to grant, or has revoked permission to enter into employment in a restricted occupation, the applicant, either of his parents, his guardian, his present or prospective employer, a representative of any department of the government of Canada, or a representative of any interested trade union, or other similar organization may, within ten days from such refusal, appeal therefrom by notice in writing to the Divisional Registrar of the Administrative Division in which the applicant resides; and the Appeal Board for the area in which the applicant resides shall forthwith hear and determine such appeal and such decision shall be final and conclusive.

(2) Such of the provisions of The National War Services Regulations, 1940 (Recruits) with reference to National War Services Boards as are not inconsistent with these regulations shall apply *mutatis mutandis* to appeals under this section.

(3) Any person who appears before an Appeal Board shall do so at his own expense.

(4) No proceeding authorized or pending before an Appeal Board and no decision of an Appeal Board shall, by means of an injunction, prohibition, mandamus, certiorari, habeas corpus or other process, issuing out of court, be enjoined, restrained, stayed, removed or subjected to review or consideration on any ground whether arising out of alleged absence of jurisdiction in an Appeal Board, nullity, defect or irregularity of the proceedings or decision be questioned, reviewed or reconsidered.

6. No member of an Appeal Board shall be responsible at law for anything done by him in good faith in the performance of his duties under this order, and no action shall be taken against any member of an Appeal Board in respect of the performance or non-performance of his duties under this order.

7. (1) In any prosecution for entering into an employment or employing any person contrary to this order, the burden of proving compliance with this order shall be upon the person charged with the offence.

(2) In any prosecution under this order, the complaint shall be made or the information laid within one year from the time when the matter of the complaint or information arose.

(3) Sections sixty-nine and seventy of the Criminal Code shall apply *mutatis mutandis* to the provisions of this Order.

8. Any person who contravenes any of the provisions of this order shall be guilty of an offence and liable upon indictment or summary conviction to imprisonment for a term not exceeding twelve months with or without hard labour, or to a fine not exceeding \$500, or to both such imprisonment and such fine.

9. This order shall be effective on the twenty-third day of March, 1942.

#### SCHEDULE

1. Bookkeepers, cashiers, stenographers, typists, clerks, office appliance operators, messengers, salesmen and sales clerks, taxicab drivers.

2. Any occupation in wholesale or retail trade, advertising and real estate.

3. Any occupation in or directly associated with entertainment, recreational or personal service, including but not restricted to theatres; film agencies; motion picture companies; clubs; bowling alleys; pool rooms; sports; barbering and hair-dressing; domestic service; dyeing, cleaning and pressing; hotels and lodging houses; laundering; restaurants, cafes and taverns; funeral service, baths, guide service, shoe shining.

4. Any occupation in the manufacture or production of:—

- (1) biscuits, confectionery, cocoa;
- (2) bread and bakery products;
- (3) aerated and mineral waters and other beverages;
- (4) liquors, wine, beer;
- (5) rubber products;
- (6) tobacco, cigars, cigarettes;
- (7) leather and fur products;
- (8) textile products;
- (9) furniture and upholstering;
- (10) photography;
- (11) printing, publishing and engraving;
- (12) radios, refrigerators, washing machines and vacuum cleaners;
- (13) jewellery and watchmaking;
- (14) pottery and china;
- (15) soaps, and toilet preparations and articles;
- (16) mattresses;
- (17) musical instruments;
- (18) barber and beauty shop equipment;
- (19) cameras and films;
- (20) sporting goods;
- (21) games, toys and novelties.

5. Any occupation in the repair of clothing, boots and shoes, furniture and household equipment, jewellery or watches, musical instruments.

## Stabilization of Employment in Agriculture

[P.C. 2251, Mar. 21, 1942, establishes the Stabilization of Employment in Agriculture Regulations, 1942, which provide that no man wholly or mainly employed in agriculture may, without the permission of the National Selective Service Officer in his area, enter any employment outside of agriculture except active service, seasonal employment in a primary industry, or compulsory military training if it is established to the satisfaction of the National War Services Board concerned that he is not an essential worker in agriculture. The definitions of "agriculture", "wholly or mainly employed in agriculture" and "primary industry" are the same as in the National War Service Regulations 1940 (Recruits).\* The National Selective Service Officer will grant or refuse permission after taking into consideration the conditions essential for, and the importance of the applicant to, the maintenance or necessary increase of agricultural production. He may at any time revoke permission granted by him. The Director of National Selective Service may issue instructions prescribing the matters to be considered by the Officer in granting, refusing or revoking permission, and the conditions which may be imposed by him in granting permission. Appeals from the decisions of Officers may be made in the same manner and under the same conditions as are laid down in secs. 5 and 6 of P.C. 2250. The provisions relating to prosecutions and penalties are also the same as in that order.]

## Scientific and Technical Personnel

[P.C. 780, Feb. 12, 1941, provides for a Wartime Bureau of Technical Personnel, which is responsible to the Minister of Labour and is set up by professional associations in order to organize the placement in war industries of technically qualified persons, such as engineers, chemists and others, and to co-operate with the Civil Service Commission in arranging for the placement of such persons in the Civil Service.]

P.C. 638, Mar. 4, 1942.—Whereas the Minister of Labour reports,—

That having regard to the needs of the armed forces and essential industries there may be a maldistribution of professional engineers, chemists, research scientists, physicists, architects and other technically trained persons in undertakings engaged on essential work;

That the Wartime Bureau of Technical Personnel... has considerable information

concerning such persons, including their qualifications, occupations, the names of their employers and other particulars and that it is desirable that such information be extended and kept up to date;

That there are such persons employed in undertakings not engaged or only partially engaged on essential work and in some undertakings the number employed appears to be in excess of the number required, having regard to their qualifications, the work on which they are engaged and to the national interest at this time;

That after the war, undertakings now engaged on essential work are likely to suffer such a diminution in operations that the number of such persons required in these undertakings will be much smaller;

That there is reason to believe that where such persons are not employed on essential work they would willingly undertake to perform the more arduous duties on essential work if they were so requested by the Minister of Labour and if they were assured that they would be reinstated in their former employment; and

That it is desirable that there should be similarity of treatment in the matter of reinstatement in employment of those who volunteer for service in His Majesty's forces and those who consent to perform services in an undertaking engaged on essential work...

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, and under the authority of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased to make the following Regulations and they are hereby made and established accordingly:

## REGULATIONS

1. These Regulations may be cited as the Essential Work (Scientific and Technical Personnel) Regulations, 1942.

2. In these Regulations,

(a) "Director" means the Director of the Wartime Bureau of Technical Personnel;

(b) "employer" includes the Crown in the right of the Dominion and in the right of any province;

(c) "essential work" means work appearing to the Minister of Labour to be essential for the defence of Canada or the efficient prosecution of the war or essential to the life of the community;

(d) "Minister" means the Minister of Labour;

\* See p. 34.

(e) "undertaking" includes any branch or department of an undertaking.

3. These Regulations apply to the classes of persons described in the Schedule hereto.

4. Any request made by the Minister, any direction given by him or any notice required to be received or sent by him under these Regulations may be made, given, received or sent, as the case may be, on his behalf by the Director.

5. (a) Any person to whom these Regulations apply may be requested by the Minister to perform, in an undertaking engaged on essential work, such services as that person is, in the opinion of the Minister, capable of performing, being services in the performance of which he should, by reason of his qualifications, in the Minister's opinion, be able to contribute most effectively to the carrying on of essential work.

(b) Notwithstanding any provision in the contract of employment between an employer and any person who is requested by the Minister to perform such services as aforesaid and who consents so to do, it shall be the duty of the employer to release the employee from his contract of employment within thirty days after written notice of the proposed change has been received from the Minister by the employer: provided that during the said period of thirty days the Minister shall consider any written objections made to the proposed change by the employer. The Minister's decision in the matter shall be final.

(c) Notice of the proposed change shall be sent by the Minister to the employer or his agent by post and it shall be deemed to have been received at the time when a letter containing the notice would be delivered in the ordinary course of post and in proving such sending it shall be sufficient to prove that it was properly addressed to the employer's place of business and mailed.

6. It shall be the duty of any employer, who employed a person to whom these Regulations apply immediately before that person at the request of the Minister entered into a contract with another employer to perform services in an undertaking engaged on essential work, to reinstate him at the termination of his contract for such services in a position and under conditions not less favourable than would have been applicable to him had he not consented to perform such services. The provisions of this section shall not apply to the Civil Service of Canada or to the Civil Service of any province of Canada.

7. (a) Where the contract of employment of any person to whom these Regulations

apply is to be terminated, or is terminated, it shall be the duty of that person and of his employer each to notify the Director of the proposed or actual termination of the contract.

(b) The notices required by this section shall be given immediately after the party giving notice of his intention to terminate the contract of employment has notified the other of his intention.

8. (a) Any employer who desires to engage a person to whom these Regulations apply must notify the Director of the post to be filled.

(b) Any person to whom these Regulations apply who desires to enter into a contract of employment must notify the Director that his services are available.

9. The notices required by sections 7 and 8 shall give the names of the parties and particulars of the business of the employer, the work on which the employee was, or is, to be engaged, his salary, qualifications, and any other particulars considered by the parties likely to facilitate the proper carrying out of these Regulations. The Minister shall have power to require such further particulars as he may consider necessary for the proper carrying out of these Regulations.

10. After the date on which these Regulations become effective, no contract of employment or arrangement for the services of a person to whom these Regulations apply shall be made until it has been approved by the Minister. Any agreement or arrangement for such services which is made without such approval shall be null and void and where such an agreement or arrangement purports to be for services in an undertaking engaged on essential work, the provisions of section 6 of these Regulations shall not apply.

11. Where a person to whom these Regulations apply enters into a contract to perform services in an undertaking engaged on essential work and the contract is approved by the Minister, such person shall be deemed to have undertaken to perform such services at the request of the Minister and the provisions of section 6 shall apply to such person.

12. In any proceedings for the violation of section 6 of these Regulations, it shall be a defence for the employer who employed a person to whom these Regulations apply before that person agreed, at the request of the Minister, to perform services in an undertaking engaged on essential work, to prove,—

(1) that the person formerly employed by him did not, within two weeks after the termination of his contract for employ-

ment on essential work, apply to him for reinstatement; or

(2) that, subject to the provisions of subsection (a), he failed without reasonable excuse to present himself for employment at the time and place notified to him by the employer; or

(3) that, by reason of a change of circumstances, other than the engagement of some other person to replace him, it was not reasonably practicable to reinstate him or that his reinstatement, in a position and under conditions not less favourable to him than those which would have been applicable to him had he not undertaken essential work, was impracticable and that the employer had offered to reinstate him in the most favourable position and under the most favourable conditions reasonably practicable; or

(4) that he was physically or mentally incapable of performing work available in the employer's service; or

(5) that he was employed to take the place of an employee who had been previously accepted for service in His Majesty's forces or of an employee, being a person to whom these Regulations apply, who, after the date on which they became effective, undertook, at the request of the Minister, to perform services in any undertaking engaged on essential work.

13. Where an employer has reinstated a former employee in accordance with section 6 of these Regulations, he shall not, without reasonable cause, terminate the employment of that employee and, in any proceedings for violation of this section in any case where the employment was terminated within six months of the reinstatement, the onus shall be on the employer to prove that he had reasonable cause for terminating the employment.

14. An employer shall not terminate the employment of any employee to whom these Regulations apply in the expectancy that the employee, at the request of the Minister, will agree to perform services under another employer. In any proceedings for violation of this section, if the court is of the opinion that there are reasonable grounds for believing that the employment was terminated in violation of this section, the employment shall be deemed to have been so terminated unless the employer proves that the termination was for a reason unconnected with such expectancy.

15. Nothing in these Regulations shall confer on any employer authority to make any contract or arrangement with reference to

the period of employment, in any undertaking engaged on essential work, of any of his employees to whom these Regulations apply, and who, at the request of the Minister, consent to perform services in such an undertaking, which he is not authorized to make under any power already possessed by him; but where any employer has entered into an agreement with his employees, being persons to whom these Regulations apply, to restore to their positions employees who undertake to perform services in undertakings engaged on essential work, such agreement shall continue in force to the extent that it is not less advantageous to an employee than the provisions of these Regulations, subject to such interpretation as may be mutually agreed to by the contracting parties.

16. The Minister may make all such orders as he may deem necessary or desirable to carry out the purpose of these Regulations and such orders shall have the force of law.

17. Any person to whom these Regulations apply who fails to comply with the provisions of section 7 or 8 of these Regulations, or of any order made under the authority of these Regulations, shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars.

18. Any employer or official who contravenes or fails to comply with the provisions of section 5, 6, 7, 8, 13 or 14 of these Regulations, or of any order made under the authority of these Regulations, shall be guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars, and, where the offence is under section 6, 13 or 14, the court shall, in addition, order him to pay to the person whom he has failed to reinstate, or whose employment he has terminated, a sum not exceeding an amount equal to three month's remuneration at the rate at which he was being remunerated by that employer when he undertook, at the request of the Minister, to perform services in an undertaking engaged on essential work.

#### SCHEDULE

1. A person who is normally engaged in the engineering profession in a consulting, technical or supervisory capacity in design, construction, manufacture, operation or maintenance and who has had a regular professional training in practice and in theory as an engineer in any of the following branches of engineering: civil, mechanical, electrical, chemical, metallurgical and mining.

2. A production, industrial or other engineer or chemist who normally holds in any engineering works or manufacturing establishment a

position of authority involving responsibility for any phase of executive management or control of any technical function.

3. A person who has obtained a degree at any Canadian or other recognized university and who is normally engaged as a teacher of engineering science or of any branch of science at a university or technical college.

4. A person who has been trained, or who is or has been normally engaged, in the practice of any branch of the science of chemistry but not including a registered pharmacist.

5. A research scientist, that is, a person who, by training or practice, is skilled in the independent search for new knowledge of the properties of matter or energy.

6. A person, other than a teacher, who has obtained a degree at any Canadian or other recognized university in Engineering, Chemistry, Physics, Geology, Mathematics, Architecture or in any natural science, or who is a technically qualified member of the Engineering Institute of Canada, the Canadian Institute of Chemistry, the Canadian Institute of Mining and Metallurgy, the Royal Architectural Institute of Canada or of any provincial association of professional Engineers, Chemists or Architects.

7. A person, not in the classes described above, who in the opinion of the Minister, possesses technical qualifications and skill which are needed in undertakings engaged on essential work.

### Prohibition of Enticement of Employees

P.C. 6286, Nov. 7, 1940, amended by P.C. 4642, June 25, 1941.—Whereas the Minister of Labour reports that it is deemed necessary to promote the orderly employment of labour and to the end that the production of munitions, war equipment and supplies may not be hampered and, without limiting the individual rights of the workers, to prevent employers endeavouring to entice to their service those who are already engaged in the production of munitions, war equipment and supplies, by advertisement, or other form of solicitation;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, and under the authority of the War Measures Act, is pleased to make the following regulations and they are hereby made and established accordingly:—

1. No person, firm, corporation, or agent thereof shall

(a) advertise in any newspaper, periodical or magazine,

(b) write, send or publish any letter, circular or notice, or

(c) display any poster, placard or other writing or document conveying to the public any information

for the purpose of engaging or employing anyone for service in any industrial or manufacturing establishment, or having reference to employment therein or designed or intended to induce any worker or employed person to enter the employment of any such person, firm or corporation, without inserting in clear type in any such advertisement, letter, circular, notice, poster, placard or other writing or document words to the following effect:

"Applications will not be considered from persons in the employment of any firm, corporation or other employer engaged in the production of munitions, war equipment, or supplies for the armed forces unless such person is a skilled tradesman not actually employed at his trade."\*

2. No person, firm, corporation or agent thereof shall directly or indirectly solicit by word of mouth any person to enter his employ who is at the time engaged in the manufacture of munitions, war equipment, or supplies for the armed forces, unless such person is a skilled tradesman not actually employed at his trade.

3. Every person who contravenes or fails to comply with any provision of these regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars.

4. The Minister of Labour may, with the concurrence of the Unemployment Insurance Commission, make all such orders or regulations as he deems necessary to achieve the purposes and intentions of this Order; such orders or regulations shall forthwith be published in the *Canada Gazette* and shall have the force of law, and every person who contravenes or fails to comply with any such orders or regulations shall be guilty of an offence and shall be liable to the penalty of the last preceding paragraph.† (P.C. 4642).

### Travelling and Living Allowances for Transferred Workers

P.C. 10/6172, Aug. 13, 1941.—[Minute of Treasury Board, approved.] The Board had under consideration a memorandum from the Honorable the Minister of Labour reporting:

That due to increasing demand for certain categories of labour in industries necessary

\* P.C. 4642 extended the protection of the order to all industries, including civilian companies engaged in the British Commonwealth Air Training Plan, now covered by the Industrial Disputes Investigation Act as extended by P.C. 3495 of November 7, 1939.

† No regulations issued.

for the successful prosecution of the war, it may become advisable to move numbers of workers to meet the demands of industry in cases where a sufficient supply of labour is not available locally;

That Section 91 of the Unemployment Insurance Act, 1940, provides that the Unemployment Insurance Commission may make regulations authorizing advances by way of loan towards meeting the expense of workers travelling to places where employment has been found for them through an employment office;

That it is the view of the Interdepartmental Committee on Labour Co-ordination that, in addition to the above mentioned provision for advances by way of loan to cover the expense of workers travelling to places where employment has been found for them, it may become necessary, in some instances, to pay the cost of transportation of workers, their dependents and effects, on a non-recoverable basis.

This financial assistance shall be confined to workers engaged through the Employment Service of the Unemployment Insurance Commission for employment in war industries and agricultural work, and shall be granted only where such assistance is deemed necessary by the local representative of the Employment Service. Part or all of the following expenses may be paid:

- (a) Travelling expenses where the worker alone is moved more than one hundred miles to employment which might not last more than six months.
- (b) Travelling and moving expenses where it is deemed necessary to move the worker's family.
- (c) An allowance for meals and incidental expenses while in transit to the new job of not more than three dollars per day.
- (d) Supplementary living allowance of not more than five dollars per week where the worker is moved away from his family and his earning capacity on the new job is insufficient to offset the increased cost of living due to the separation.
- (e) A loan of not more than ten dollars to defray living expenses during the first week of employment and to be repaid in full out of his first full pay for the regular pay period.

The undersigned, therefore, recommends (with the concurrence of the Interdepartmental Committee on Labour Co-ordination), pursuant to the War Measures Act, that the sum of \$50,000 be made available and added to

the War Estimates of the Department of Labour for the Fiscal year 1941-42, chargeable to War Appropriation 1941-42 and to be administered by the Unemployment Insurance Commission, for the purpose of providing transportation for any worker, his dependents and effects, including expenses en route.

The Board, having approved the addition of \$50,000 to the war estimates of the Department of Labour for the fiscal year 1941-42 for the above purpose, to be allotted by the Treasury Board from time to time out of the War Appropriation, concur in the above report and recommendation and submit the same for favourable consideration.

#### War Emergency Training Program\*

[P.C. 4506, Sept. 11, 1940, is the basic authorization of the War Emergency Training Program. It authorizes a special appropriation, which has been supplemented by subsequent appropriations, "for the purpose of assisting such of the Provinces as presently are able, with such assistance, to undertake the training of individuals for skilled and semi-skilled occupations relative to war work." It provides that these funds are to be administered by the Minister of Labour, and that the training should be co-ordinated with that carried on under agreements made between the Dominion and the Provinces under the Youth Training Act and the Unemployment and Agricultural Assistance Act. It gives authority for the addition of special schedules to the agreements with the Provinces, and the terms of the schedules take precedence over those of the agreements wherever there is a conflict. In this way the federal government has been able to assume the full cost of the program, and to relax the statutory conditions regarding the age and circumstances of trainees.

[P.C. 4636, June 25, 1941, relates to the training of ground mechanics for the Royal Canadian Air Force and other artisans for aircraft manufacturing. This training was co-ordinated with that carried on under the Youth Training agreements, and authority was given for schedules to be incorporated in the agreements to cover this special training for the period ending March 31, 1942.

[P.C. 9871, Dec. 31, 1941, provided for the training of employees in aircraft plants. The Department of Labour was authorized

\*Only an imperfect idea of the nature and extent of the War Emergency Training Program can be obtained from the relevant orders in council. Interested readers are referred to the report of the Interdepartmental Committee on Labour Co-ordination, entitled "Canada's War Emergency Training Program for 1941", and to the Training for War Industry Bulletins entitled "Pre-employment Training Centres", "Apprenticeship Training", and "Plant Schools".

to enter into arrangements on behalf of the Dominion with such of the Canadian Manufacturers of aircraft and aircraft parts and with such concerns who overhaul and recondition combat and training aeroplanes as were or may be engaged from time to time during the fiscal year ending March 31, 1942, on government war contracts and who have provided or do provide specialized training for their employees engaged on said work, to reimburse said manufacturers and concerns for a part of the expenditure so incurred, provided (1) that the Director General of Aircraft Production of Canada shall recommend in writing any arrangement so made, including the nature of the instruction provided or to be provided and the portion of the cost thereof which should be reimbursed by the Dominion, (2) that if any arrangement entered into involved the sending of trainees out of Canada for instruction the Dominion shall reimburse not more than the cost incurred for their tuition and for their board and lodging while engaged on the course of instruction.

Provision was made for the co-ordination of the training with that provided under the War Emergency Training Program.]

### **Workman's Compensation for Trainees**

[P.C. 19/4600, June 25, 1941, provides that, since trainees under the War Emergency Training Program are not entitled to compensation for accidents under the Dominion Government Employees Compensation Act or the provincial Workmen's Compensation Act, they

shall be deemed to be employees within the meaning of that term as defined in the Government Employees Compensation Act

for all purposes other than the payment of compensation for temporary disability, but allowing in all temporary disability cases necessary first aid, medical and hospitalization expenses and, in cases where hospitalization is unnecessary, continuation during the period of disability of such subsistence allowance as was being provided to the trainee immediately prior to the time of the causative accident.

Since trainees do not receive a direct wage, it is provided that compensation will be payable on the basis of a wage of \$12.50 per week, regardless of any minimum rate of compensation in effect in any province. Under the Government Employees Compensation Act, compensation is payable at the rate provided in the law of the province in which the accident occurs.

[P.C. 85/5775, July 30, 1941, made P.C. 19/4600 retroactive to April 1, 1941, since in many of the provinces training under the War Emergency Training Program was being carried on at that date.

[P.C. 28/7474, Sept. 23, 1941, provides (1) that all persons enrolled for training under any schedule approved pursuant to P.C. 4636 will be considered employees under the Government Employees Compensation Act to the same extent as those covered by P.C. 19/4600, and (2) that all persons actively engaged in carrying on courses whose salary is paid or contributed to under a schedule authorized by either P.C. 4636 or P.C. 4506 will be considered employees within the meaning of the Act.]

## **Seamen**

### **Discipline**

[S. 45 of the Defence of Canada Regulations (Consolidation) 1941, provides that any person lawfully engaged to serve on a ship belonging to, or chartered or requisitioned by or on behalf of His Majesty, who in Canada deserts from his ship, may be conveyed on board under the direction of the master or mate of the ship, the person managing the ship, any constable or any commissioned officer of His Majesty's Forces. S. 46 provides that no seaman so engaged may be absent from his ship without a pass signed by the master, mate, purser or first engineer.]

[P.C. 4751, Sept. 12, 1940, provides that an alien seaman who deserts from his ship or otherwise interferes with its proper operation, or who attempts to induce other alien seamen to do so, may be detained at an Immigration Station for the duration of the war and employed at such work as the Minister of Mines and Resources may determine. A detention order must be issued by a duly authorized representative of the Minister, and only

after an inquiry made under the provisions of the Immigration Act.]

[P.C. 2385, April 4, 1941, amended by P.C. 5088, July 10, P.C. 81/6954, Sept. 6, and P.C. 7891, Oct. 11, establishes the Merchant Seamen Order, 1941, which is designed to prevent delays in the sailing of merchant ships due to obstructive action by members of the crew. It is administered by the Minister of National Defence for Naval Services and applies to seamen on ships of any registry except that of the United States and of any other country the Governor General in Council may designate, and also to seamen in manning pools. It authorizes the Minister of Justice to nominate Naval, Royal Canadian Mounted Police and Transport Department representatives, any three of whom may, if each Department is represented, form a Committee of Investigation, and to appoint Naval, Transport and Immigration officials, any three of whom may, if each Department is represented, form a Board of Inquiry.

[A Committee of Investigation has authority to board any ship and conduct an investigation into the conduct of any seaman employed thereon. If it is satisfied that a seaman is likely to cause delay in the departure of the ship, to refuse to sail on it or perform his regular duties, or to induce other seamen to interfere in the proper operation of their ship, it may direct in writing that such seaman be removed from his ship and temporarily detained. Any seaman so detained must be brought before a Board of Inquiry within 72 hours.]

[A Board may inquire into the conduct of any seaman who is likely to cause delay in the departure of a ship, who deserts or refuses to sail or carry out his regular duties, who is alleged to be inducing other seamen to interfere in the operation of their ship, who is suspected of subversive activities, or has been detained on the direction of a Committee. It may also, at the request of the director of a seamen's manning pool, make similar inquiries into the conduct of any seaman in that pool. P.C. 4751 is amended to permit an alien seaman detained under that order to have his case referred to a Board.]

[A Board may order in writing that a seaman be released, released to a ship or a manning pool, or detained for period not exceeding three months, and, subject to review of the case, for further periods not exceeding six months each. Notwithstanding any of the above provisions, a Board may recommend to the Minister of Justice that the seaman be detained under Defence of Canada Regulation 21, which gives the Minister general authority to order the detention of, or place other restraints upon, any person whom he believes it is necessary to prevent "from acting in any manner prejudicial to the public safety or the safety of the State." Finally, a Board may make an order prohibiting leave from any ship for a period not exceeding 48 hours. There is no appeal from an order of a Board.]

[It is expressly stated that this order in council is to be interpreted in accordance with the principles set forth in P.C. 2685.]

### **Manning Pools and Welfare Facilities**

[P.C. 14/3550, May 19, 1941, is designed to maintain the supply of seamen and ensure their welfare in port. It provides for the establishment of manning pools so that adequate accommodation will be afforded for merchant seamen where they may receive board, lodging and pay while in Canadian ports, in return for which they must agree to go to sea on any ship to which they might be

assigned. Provision is made for the expansion of existing welfare facilities and the establishment of new ones, as well as for the extension of existing nautical schools and for the establishment of a special branch of the Department of Transport for the recruiting and training of officers and men. Authority is given for the appointment of a Director of Merchant Seamen, together with such regional directors and staff as may be needed.]

[P.C. 141/4015, June 5, 1941, provides for the appointment of Arthur Randles of Cunard-White Star Limited, as Director of Merchant Seamen.]

[P.C. 148/9130, Nov. 22, 1941, authorizes a program drawn up by the Director of Merchant Seamen for the training of seamen. It provides for the establishment of a Training Centre for ordinary seamen, a Marine Engineering School for firemen, stokers and trimmers, the extension of this school to permit seamen experienced in engine rooms to acquire engineer's certificates, the extension of existing Navigation Schools where men with sea experience might qualify for second mate's and higher certificates, and the provision of facilities where men might qualify as cooks. The program is supervised by the Director of Merchant Seamen.]

[P.C. 149/9130, Nov. 22, 1941, was designed to meet a situation which had arisen towards the end of 1941, where accommodation had to be found for a rapidly increasing number of seamen recruited in the United Kingdom who were arriving in Canada and awaiting assignment to ships. Authority was given for the conversion of a United Kingdom manning pool which had been established in Montreal into a Canadian Government manning pool, for the provision of housing facilities for an additional 1,000 officers and men in Montreal, for the provision of housing facilities in Vancouver for a constant pool of 40 officers, petty officers and men, and for the extension of the Seamen's Manning Pool at Halifax. It is provided that the Canadian Government should bear the cost of the buildings, but that the United Kingdom Government should be charged, with regard to its own seamen, for the cost of operation and services.]

### **Pensions and Compensation**

[P.C. 3358, Nov. 10, 1939, amended by P.C. 91/3191, May 6, 1941, establishes the Compensation to Seamen (War Damage to Effects) Regulations. Compensation is payable to masters and crew-members of ships of Canadian registry or licence, pilot boats and

lightships, and to Canadian salt-water fishermen, for loss of or damage to personal effects "caused by, or in repelling, enemy action, or by measures taken to avoid the consequences of damage caused by or in repelling enemy action." The maximum payable to ratings and others of the same rank is \$70, except for Oriental ratings not domiciled in Canada.

[P.C. 3359, Nov. 10, 1939, amended by P.C. 10/4209, June 12, 1941, provides for pensions to persons serving on ships of Canadian registry or licence and Canadian fishermen (or their dependents) in case of disability or death suffered as a direct result of enemy action of counter-action against it. The rate payable is that set out in the Pension Act for comparable ranks in the naval forces. The rate applicable to all members of the crew, except Orientals and coloured seamen not domiciled in Canada, is that for able seamen. For disability this ranges from \$45 to \$900 per year according to the degree of disability, with additional pension for dependents, and for death the pension to widow or dependent parents is \$720 with additional pension for other dependents.

[P.C. 3492, Nov. 10, 1939, provides that free medical treatment for injuries suffered as a result of enemy action will be received by such Canadian salt-water fishermen as do not receive it under Part V of the Canada Shipping Act. Under the Act such treatment is provided for all persons employed on ships of Canadian registry. In the case of ships engaged exclusively in fishing, however, the master is not compelled to pay the necessary duty, and, if he does not, the persons employed on his ship are not entitled to free treatment.

[P.C. 12/4209, June 12, 1941, provides for the payment to personnel of ships of Canadian registry or licence and to Canadian salt-water fishermen, of compensation for loss or remuneration caused by capture by the enemy or internment in a foreign country. Compensation is to be equal to the wages received by the seaman before his capture and in the case of a fisherman engaged on a proceeds-sharing basis it will be "equivalent to a due proportion of his earnings from such engagement over the preceding twelve months." Such portion of the allowance as the Canadian Pension Commission determines may be paid to dependents.

[P.C. 87/5204, July 16, 1941, amends P.C. 3358, 3359 and 12/4209, by extending the benefits to seamen of Canadian nationality serving on ships of British or foreign registry, provided that such ships are, in the opinion of the Transport Controller, engaged in essential war work on behalf of the British Commonwealth or its Allies. The benefits accorded are adjusted to take account of benefits received from other sources, so that no seaman may receive total benefits greater than those set forth in the orders.

[P.C. 9165, Nov. 26, 1941, is designed to facilitate the consideration of claims made under P.C. 87/5204 and is made necessary by the fact that there is normally no record of Canadian seamen serving on foreign ships. Where the engagement in Canada of Canadian seamen on ships of foreign registry does not take place before a shipping master, a copy of the engagement with the crew and a list of Canadian seamen engaged, must be deposited with a shipping master. No foreign ship may be cleared until this is done.]

## Post-War Reconstruction and Re-establishment of Ex-Service Men

### Special Committee of the Cabinet

[P.C. 4068½, Dec. 8, 1939, amended by P.C. 1218, Feb. 17, 1941, provides for a Special Committee of the Cabinet to consider questions which will arise from the demobilization and the discharge from time to time during and after the conclusion of the present war of members of the Forces. The Committee is composed of the following members: the Ministers of Pensions and National Health (Convener), Public Works, National Defence, Agriculture, Labour and the Honourable J. A. MacKinnon. It has power, with the approval of the Governor in Council, to employ such persons as may be necessary, the cost to be paid from funds provided under the War Appropriation Act.

[The duties of the Committee are to procure information and report regarding the

problems which will arise from the demobilization and the discharge from time to time of members of the Forces during and after the conclusion of the present war, and the rehabilitation of such members into civil life, and, in particular,]

(a) to consider the adequacy, adaptability and full utilization of the existing governmental machinery which is available to deal with such problems either separately or in conjunction with other activities, and particularly the Department of Pensions and National Health, the Department of Labour, the Canadian Pension Commission, the War Veterans' Allowance Board, and the Civil Service Commission;

(b) to consider the necessity or advisability of any expansions or additions or readjustments which may seem to be advisable in

connection with any of the activities of such Departments or agencies;

(c) to appoint Advisory Committees from the personnel of Government Departments or agencies;

(d) to consult from time to time Provincial and Municipal Governments and public service organizations and Canadian citizens interested in such problems;

(e) to make recommendations as to the organization and composition of representative national and local Committees to co-operate with the Government in meeting the problems of rehabilitation and re-establishment;

(f) generally to procure information respecting and give full consideration to the problems above mentioned and the formulation of preparatory plans in connection therewith;

(g) to submit from time to time to the Governor in Council such reports respecting the information received and consideration given and the plans formulated as may seem to the Committee advisable to keep the Governor in Council informed in respect thereto;

(h) having regard to sections (d) and (e) herein, to examine and discuss the general question of post-war reconstruction, and to make recommendation as to what Government facilities should be established to deal with this question. (P.C. 1218).

#### General Advisory Committee

[P.C. 5421, Oct. 8, 1941, provides for the establishment of a General Advisory Committee to consider those matters assigned to the Special Committee of the Cabinet and to make reports and recommendations. It is empowered to appoint sub-committees, and recognized experts outside the Civil Service may be appointed to these sub-committees or may be invited to appear before them. Government departments and agencies are to provide all available information to the Committee and in general to assist it in the performance of its duties. The membership is as follows: the Chairman of the Canadian Pension Commission (Chairman), the Chairman of the War Veterans' Allowance Board (Vice-Chairman), the Chairman of the Civil Service Commission, the Deputy Ministers of Labour, Public Works and Pensions and National Health, the Director of Auxiliary Services, Department of National Defence, two nominees each of the Ministers of Labour, Public Works, National Defence, Agriculture, Pensions and National Health, and Finance and one nominee of the Minister of Trade and Commerce. The secretary is Robert England.]

#### Committee on Reconstruction

[P.C. 6874, Sept. 2, 1941, provides for the establishment of a Committee on Reconstruction consisting of five or six members. Its duties are to consider and make reports and recommendations on those matters assigned to the Spécial Committee of the Cabinet by P.C. 1218, i.e., the general question of post-war reconstruction. It is empowered to appoint sub-committees to consult recognized experts and to invite them to appear before it. Government departments and agencies are to give it all necessary assistance. It may assemble all books and other documents which it may need, and its members are authorized to do such travelling as is necessary to secure information.\*]

#### Rehabilitation Grant

[P.C. 7521, Dec. 19, 1940, as amended by P.C. 890, Feb. 5, and P.C. 3544, May 19, 1941, provides for the payment of a Rehabilitation Grant to members of the Naval, Military and Air Forces of Canada who are discharged after having served not less than 183 continuous days since Aug. 26, 1939, exclusive of time in cells, detention prison, in a state of desertion, or complete days of absence without leave. The grant amounts to thirty days pay, together with marriage and/or dependents' allowance, and pay is defined as the full pay of the rank held at discharge exclusive of any allowances other than dependents' allowance. The grant is not payable to any man who was discharged because of a false answer on enrolment or attestation, a sentence of a Court Martial or disciplinary court, a sentence of imprisonment by a civil court, or who was retired at his own request or with immediate grant of a pension under the Militia Pension Act. P.C. 8880, Nov. 18, 1941, made these regulations applicable to the Canadian Women's Army Corps, at that time not an integral part of the Army.]

#### Post-Discharge Re-establishment Order

P.C. 7633, Oct. 1, 1941, amended by P.C. 2602, Apr. 1, 1942.—Whereas the Minister of Pensions and National Health reports that it is advisable that provision should be made to facilitate the orderly re-establishment in civil life of persons who may be discharged from the Naval, Military or Air Forces of Canada after serving in the present war;

\* The Chairman of the Committee is F. Cyril James, Principal and Vice-Chancellor of McGill University, the Research Adviser, L. C. Marsh, formerly Director of Social Research at McGill University, and the Secretary, J. E. MacKay of the Department of Trade and Commerce.

That, as the Unemployment Insurance Act, 1940, came into active operation on July 1, 1941, persons who may be employed in insured industry during the war period will enjoy protection under that Act based on their employment during that period;

That it is advisable that, as nearly as may be, parity should be established between discharged persons who may return to insurable employment, whether in insurable employment before enlistment or not, and those in insurable employment during the war period, and that substantially the same standard of protection as under the Unemployment Insurance Act should be afforded to discharged persons until they become re-established in civil life, whether in insurable employment or otherwise;

That, as unemployment insurance benefits are payable out of the Unemployment Insurance Fund, it is advisable that contributions should be made to that Fund on behalf of discharged persons who return to insurable employment to the end that time served by persons in the Naval, Military or Air Forces of Canada subsequent to July 1, 1941, may count as employment in insurable employment under the Unemployment Insurance Act, 1940;

That it is advisable that persons now in the said forces should know as soon as possible, and that persons who enlist in the future should know when they enlist, the further provision thereafter proposed for their orderly re-establishment in civil life on discharge in completion of the program already established for that purpose, namely,

- (i) clothing allowance,
- (ii) transportation to place of enlistment or home,
- (iii) rehabilitation grant,
- (iv) remedial medical treatment,
- (v) vocational training facilities,
- (vi) re-instatement or preference in employment and placement and guidance services, and
- (vii) pension for disabilities, with ancillary hospital treatment,

in order that such persons may effectively plan for their re-establishment in advance of discharge;

That, pursuant to the provisions of section 2 of The War Appropriation Act, 1941, chapter 11 of the Statutes of Canada, 1941, the Governor in Council may authorize expenditures during the year ending the 31st day of March, 1942, for the carrying out of any measure deemed advisable in consequence of the existence of the state of war; and

That, pursuant to the provisions of the War Measures Act, chapter 206 of the Revised Statutes of Canada, 1927, the Governor in Council may make such orders and regulations as may, by reason of the existence of real or apprehended war, be deemed necessary or advisable for the security, defence, peace, order and welfare of Canada;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Pensions and National Health and under and pursuant to the provisions of The War Appropriation Act, 1941, chapter 11 of the Statutes of Canada, 1941, and the War Measures Act, chapter 206 of the Revised Statutes of Canada, 1927, is pleased to make the following order and it is hereby made and established accordingly:—

#### PART I

1. This order may be referred to as "The Post-Discharge Re-Establishment Order."

2. In this order, unless the context otherwise requires:

"active service" includes service of a "Member (H.D.) of the Canadian Army" and any service of an "R. Recruit" during which he is considered to be on active service by virtue of the "Reserve Army (Special) Regulations 1941;"

"discharge" means the discharge or retirement from or the ceasing to serve on active service of a "discharged person" as hereinafter defined;

"discharged person" means any person who, subsequent to July 1, 1941, has been discharged or retired from or has ceased to serve on active service in any of the following Forces or Corps:

- (i) the Naval, Military or Air Forces of Canada, provided in respect of this class, that such person was in receipt of either active service rates of pay or of Permanent Force rates of pay while serving in the said Forces during the present war, or,
- (ii) the Canadian Women's Army Corps, established by Order in Council, P.C. 6289, dated the 13th day of August, 1941, or,
- (iii) the Royal Canadian Air Force (Women's Division), established by Order in Council P.C. 790, dated the 3rd day of February, 1942, or,
- (iv) the Military, Naval or Air Forces of His Majesty other than His Majesty's Canadian Forces, provided, in respect to this class, that such person was

domiciled in Canada at the time of his enlistment therein in the present war;

"enlistment" means enlistment or enrolment in, or appointment to a commission in, any of the Forces or Corps aforesaid;

"married person" means—

- (i) a man whose wife is being maintained wholly or mainly by him, or
- (ii) a married woman who has a husband dependent on her, or
- (iii) a married person, widow or widower, who maintains wholly or mainly one or more children under the age of 16 years;

and for the purpose of this definition "child" includes any child of the discharged person, a stepchild, adopted child, or illegitimate child;

"Minister" means the Minister of Pensions and National Health;

"non-pensionable disability" means a disability in respect of which no pension has been granted under The Pension Act;

"pension" means a pension under The Pension Act;

"rehabilitation grant" means a grant made pursuant to the provisions of Order in Council P.C. 7521 dated December 19, 1940, as amended;

"service" means service in any of the Forces or Corps aforesaid during the present war; and

"university" means a Canadian University or College, of educational standards approved by the Minister. (Amended, P.C. 2602).

3. The Minister may make regulations which, in his opinion, are necessary or advisable for carrying out the provisions of Parts II and III of this order.\*

4. This order shall come into force on the first day of October, 1941.

## PART II

5. (1) The Minister may, subject to the provisions of paragraph 10 hereof, order that a discharged person be paid an out-of-work benefit at the rate of \$13.00 per week if he is a married person, and at the rate of \$9.00 per week if he is not a married person, for any week or part thereof during which he

- (i) is capable of and available for work but unable to obtain suitable employment, and
- (ii) follows such course of training or instruction, if any, as the Minister may have prescribed, to fit him or to keep

him fit for employment or for re-employment.

Provided that

- (i) in the case of a person discharged from the Canadian Women's Army Corps or from the Royal Canadian Air Force (Women's Division) the rate of out-of-work benefit aforesaid shall not exceed the rate of pay of the discharged person at the date of discharge; and
- (ii) no benefit under this paragraph shall be paid to a married woman whilst her husband is, in the opinion of the Minister, capable of maintaining her either wholly or mainly and under legal obligation so to do;
- (iii) there shall be deducted from any benefit payable to a woman periodically an amount equal to any amount which she is entitled to receive for the same period as pension (other than pension for a disability of her own) under the provisions of the Pension Act or any Order in Council which provides for pension administered under the Pension Act. (Amended, P.C. 2602.)

(2) A deduction shall be made from the out-of-work benefit of a discharged person for any period equal to the amount of the benefit, if any, which he is qualified or able to qualify to receive for the period under The Unemployment Insurance Act, 1940.

(3) A discharged person shall not be deemed to be disqualified for out-of-work benefit by reason only that he has declined an offer of employment under conditions as described in paragraph (b) of Section 31 of The Unemployment Insurance Act, 1940, or by reason of his refusal of employment the acceptance of which would involve the consequences described in Section 32 of the said Act, and he shall not be deemed to be unemployed for any period or day as described in Section 33 of the said Act, but he shall be disqualified for out-of-work benefit in the circumstances defined in Section 43 of the said Act.

6. (1) The Minister may, subject to the provisions of paragraph 10 hereof, order the payment of a grant to a discharged person at a rate not exceeding \$13 per week if he is a married person and \$9 per week if he is not a married person, if

- (i) such person is pursuing vocational, technical or other educational training;
- (ii) the Minister approves such training as being training which will fit him or keep him fit for employment or re-employment or will enable him to

\* Regulations governing procedure have been issued.

obtain better or more suitable employment, and

- (iii) he makes progress in such training to the satisfaction of the Minister.

(2) The Minister may diminish the grant aforesaid in any case by such amount as to him seems right by reason of any pension, wages, salary, or other income such person may have received or may be entitled to receive for such period, and in no case shall the amount of the grant, together with his income from all sources, including any pension, exceed the rate of training allowance under Clause 20 of Order in Council P.C. 91, dated January 16, 1936, as amended.

7. The Minister may, subject to the provisions of paragraph 10 hereof, order that a discharged person be paid a grant for any week or part thereof during which

- (i) he engages in agricultural or other enterprise on his own account and is awaiting returns from such enterprise, or he is temporarily incapacitated from accepting work or from taking training by reason of a non-pensionable disability, and
- (ii) the Minister is of the opinion that, having regard to the special circumstances of the case, the grant will prove effective in re-establishing him,

at a rate not exceeding \$13 per week if he is a married person and \$9 per week if he is not a married person, diminished by such amount, on account of any pension, wages, salary or other income such discharged person may have received or be entitled to receive in respect of such period, as to the Minister seems right.

8. In case any discharged person

- (a) has been regularly admitted to a university before his discharge, or is regularly admitted to a university either within
  - (i) one year from his discharge, or
  - (ii) one year from the commencement of the university year, or of the course which he is pursuing, next following his discharge, if such discharge precedes such commencement by not more than three months,

and

- (b) resumes a course, academic or professional, interrupted by his service or commences any such course, in such university, within one year and three months after his discharge or within such longer period as may be necessary to enable him to complete his univer-

sity matriculation or as may arise on account of his ill-health or on account of other good cause shown to the satisfaction of the Minister,

the Minister may, subject to the provisions of paragraph 10 hereof, order that he be paid a grant for any week or part thereof during which he pursues such course, at a rate not exceeding \$13 per week if he is a married person and \$9 per week if he is not a married person, diminished by such amount, on account of any pension, wages, salary, or other income such person may have received or be entitled to receive in respect of such period, as to the Minister seems right, but the grant shall not be continued to any such person who fails in more than two classes or subjects in any academic year, nor to any such person who having failed in either one or two classes or subjects also fails in either or both supplementary examinations next offered by the university in such classes or subjects.

9. In case any discharged person

- (a) has entered upon a post-graduate course, either academic or professional, in a university before enlistment, or was about to do so at the time of his enlistment, or, having completed his undergraduate course in a university after his discharge, enters upon a post-graduate course as aforesaid, and
- (b) resumes or commences such post-graduate course within
  - (i) one year from his discharge, or
  - (ii) one year from the commencement, next following his discharge, of such course in such university, if his discharge precedes such commencement by not more than three months, or
  - (iii) in the case of a discharged person who completes his under-graduate course after his discharge, as soon as may be after such completion,

if the Minister, having considered such person's attainments and his course, deems it in the public interest that he should continue such course, the Minister may, subject to the provisions of paragraph 10 hereof, order that he be paid a grant for any week or part thereof during which he continues such course at a rate not exceeding \$13 per week if he is a married person and \$9 per week if he is not a married person, diminished by such amount, on account of any pension, wages, salary or other income such person may have received or be entitled to receive in respect of such period, as to the Minister seems right.

10. (1) No person shall be paid out-of-work benefit under paragraph 5 hereof for his first nine days of unemployment whether continuous or not, after any period for which he may have been paid a rehabilitation grant.

(2) No grant shall be paid to any discharged person under paragraphs 5, 6 and 7 hereof for any period or periods

- (i) for which he may have been paid a rehabilitation grant, or
- (ii) more than 18 months after his discharge,

and the total period for which he may receive out-of-work benefit or grants hereunder, together with any period for which he may have received or be entitled to receive unemployment insurance benefit under The Unemployment Insurance Act, 1940, within the said period of 18 months, shall not exceed his period of service nor shall it in any case exceed fifty-two weeks.

(3) No grant shall be paid to any discharged person under paragraphs 8 and 9 hereof for any period or periods for which he may have been paid a rehabilitation grant, nor shall he be paid any grant under the said paragraphs if the total period for which he has received out-of-work benefit or grants hereunder, or unemployment insurance benefit under the Unemployment Insurance Act, 1940, exceeds in all his period of service, unless

- (i) in the case of a person who has been in receipt of a grant under paragraph 8 hereof, his progress and attainments in his course are such that the Minister deems it in his interest and in the public interest that the grant should be continued, and
- (ii) in the case of a person in receipt of a grant under paragraph 9 hereof, his progress and achievements are so outstanding that, in the Minister's opinion, it is important in the public interest that the grant should be continued.

(4) In determining the period of eighteen months mentioned in sub-paragraph (2) of this paragraph, the Minister may regard such a period as being exclusive of any periods during which a discharged person is a patient in any hospital or institution. (P.C. 2602.)

11. Where a grant is being paid to a discharged person under the provisions of paragraphs 6, 8 or 9 hereof, the Minister may order that a payment be made on his behalf not exceeding the tuition fees, students' fees and athletic fees or other charges and costs of his course.

12. Not more than one grant may be paid to any person under this Part for any period, nor shall any grant be paid to any person for any period for which he is paid out-of-work benefit hereunder or unemployment insurance benefit under the Unemployment Insurance Act, 1940.

13. Any payment under this act during the year ending March 31, 1942, shall be made from and out of the War Appropriation of the Consolidated Revenue Fund, and any such payment thereafter shall be made out of moneys provided for the purpose.

14. (1) Notwithstanding anything in this Part contained, the Minister may, for any reason which he deems sufficient, refrain from ordering that any payment be made under this Part.

(2) On new facts being brought to his attention, the Minister may make an order under this Part in a case where he has previously refused to do so, or he may rescind or amend any order which he has made under this Part. Otherwise, his decision shall be final.

### PART III

15. Any discharged person who completes fifteen weeks in insurable employment under the Unemployment Insurance Act, 1940, within any period of twelve months, whether continuous employment or not, shall, for the purpose of the said Act, be deemed

- (a) to have received unemployment insurance benefit under the said Act for a continuous period (hereinafter in this paragraph referred to as "benefit period"), immediately prior to the commencement of such fifteen weeks, equal to the period, if any, for which he received out-of-work benefit under Part II hereof, together with the proportion of any period for which he received a grant under Part II hereof which the amount of such grant per week bears to \$13 if he was a married person and \$9 per week if he was not a married person, but not exceeding in total in any case three-fifths of his period of service after July 1, 1941, and
- (b) to have been in insurable employment immediately prior to the commencement of the said benefit period for a period equal to his service after July 1, 1941,

and the said insurable employment shall be deemed to have been continuous as nearly as may be without being contemporaneous with any period during which the said person

actually was in insurable employment under the said Act prior to the said benefit period.

16. As soon as may be, after the Unemployment Insurance Commission ascertains that a discharged person has completed fifteen weeks in insurable employment as aforesaid, there shall be credited to the Unemployment Insurance Fund out of the War Appropriation of the Consolidated Revenue Fund if such credit is made during the year ending March 31, 1942, and out of moneys appropriated for the purpose if such credit is made thereafter, the amount of the combined employer's and employed person's contribution under the Unemployment Insurance Act, 1940, for a period equal to the difference between his period of service after July 1, 1941, and one and two-thirds of the period for which, under sub-paragraph (a) of paragraph 15 hereof, he is deemed to have been in receipt of unemployment insurance benefit, and the rate of the said combined contribution shall be the average of the contributions shown by such person's unemployment book to have been paid by him and on his behalf for the said fifteen weeks; and for the purpose of the said Act, the said discharged person shall be deemed to have been bona fide employed in insurable employment during the said period of service and all contributions shall be deemed to have been paid under the said Act in respect of the said discharged person during the said period of service.

17. If on making any report on the financial condition of the Unemployment Insurance Fund, the Unemployment Insurance Advisory Committee finds that the said Fund has been adversely affected by reason of the provisions of paragraphs 15 and 16 hereof, the Committee shall in its statutory report state the amount and the manner in which the said Fund has been adversely affected as aforesaid, and the Governor in Council may on receipt of said report take into consideration immediate measures to remedy any depletion of the said Fund due to the operation of this Order which depletion shall have been established by the aforesaid report of the Unemployment Insurance Advisory Committee.

#### **Veterans' Welfare Division of the Department of Pensions and National Health**

P.C. 6282, Nov. 27, 1940.—[Preamble states that this Order in Council is based on a report and recommendation made by the General Advisory Committee and approved by the Special Committee of the Cabinet, of which the Minister of Pensions and National Health is Chairman. The report of the General Advisory Committee was concerned

only with former members of the forces serving in the present war, but it was considered that the facilities recommended should be made available also to those who served with the forces during the Great War.]

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Pensions and National Health, and by virtue of the authorities aforementioned and under and by virtue of the War Measures Act, Chapter 206, R.S.C. 1927, and notwithstanding anything to the contrary contained in any other Act or Regulation, is pleased to order and it is hereby ordered as follows:—

1. There shall be in the Department of Pensions and National Health a Division to be known as the Veterans' Welfare Division, the functions of which shall be to advise and assist former members of the forces in matters pertaining to re-establishment in civil life, and to perform such other duties as may be prescribed by the Minister of Pensions and National Health relating to the welfare of such former members of the forces and, for greater certainty, but not so as to restrict the generality of the foregoing, such Division shall be charged with the following specific duties:

- (a) To establish sub-divisions at such points throughout Canada at which the Department of Pensions and National Health maintains offices and/or where the establishment of such sub-divisions is deemed to be advisable;
- (b) To interview, advise and assist former members of the forces;
- (c) To become conversant with all the regulations relating to pensions, allowances, medical treatment, employment, training, social welfare, aids, housing scheme, land settlement, and all policies that may be of assistance to such former members of the forces;
- (d) To make a study of all occupational opportunities in the several areas at which sub-divisions may be established pursuant to the provisions of sub-paragraph (a); to encourage employers to re-employ persons who, previous to their enlistment, were in their service; to endeavour to secure preferences in employment for former members of the forces, to co-operate and keep in constant touch with the Employment Service in Canada in regard to available employment.
- (e) To secure information through the Department of National Defence with respect to members of the forces arriv-

ing in the several areas for discharge and to arrange for notification to be sent to their families and to encourage voluntary local committees to welcome them on arrival;

- (f) To maintain contact with veterans' organizations for the purpose of fostering interest in the rehabilitation of former members of the forces and to keep in touch with educational activities of the Canadian Legion War Services and other bodies designed to assist members of the forces;
- (g) To develop good public relations by the maintenance of contact with the press regarding the civil re-establishment of former members of the forces;
- (h) To report to the General Advisory Committee on the activities and requirements in each district and on the results attendant upon the operation of such policies as may be planned or operated for the purpose of re-establishing former members of the forces in civil life.

All expenditures made under this Order shall be paid out of moneys to be allotted

to the Department from funds provided under the War Appropriation Act.

In this Order, unless the context otherwise requires, "Former member of the Forces" means any person who, since the 1st day of August, 1914, served in the Naval, Military or Air Forces of His Majesty, or in any of the forces of His Majesty's Allies.

#### Vocational Training

[P.C. 15/10066, Dec. 24, 1941, authorizes the Department of Labour to undertake, in co-operation with the provinces, a training program for returned soldiers, and to co-ordinate it with the training now being provided under the Youth Training and War Emergency Training Programs. The expenditure is to be charged to funds allotted from the War Appropriation. The measure is stated to be part of the general re-establishment program outlined in the preamble of the Post-Discharge Re-establishment Order (P.C. 7633), and in keeping with section 6 (1) of Part II of P.C. 7633 which provides for the payment of a grant to discharged men while they are undergoing approved vocational and technical training.]











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Canada. Labour, Department of  
Wartime Orders in Council affecting  
labour. April, 1942.

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